

MT LEGISLATIVE HISTORY

Chapter 439 19 87

Bill H (S) III

Original bill & hist. ☒ C

H. Committee on Human Services + Aging

S. Committee on Public Health Welfare + Safety

Hearing Date(s) MAR 19 ☒ C

Hearing Date(s) FEB 09 ☒ C

MAR 21 ☒ C

FEB 09 ☒ C

 C

 C

 C

 C

Date Out MAR 21 ☒ C

FEB 09 ☒ C

Did this bill originate in an interim committee? Yes No

Committee

Report

SENATE BILL NO. 111

INTRODUCED BY HALLIGAN, HARP, WALLIN, M. WILLIAMS,
JACOBSON, ECK, GOULD, GILBERT, BULGER, SANDS,
REGAN, SCHYE, HAGER

IN THE SENATE

JANUARY 15, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
FEBRUARY 10, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1987	PRINTING REPORT.
FEBRUARY 13, 1987	SECOND READING, DO PASS AS AMENDED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 14, 1987	ENGROSSING REPORT.
FEBRUARY 16, 1987	THIRD READING, PASSED. AYES, 30; NOES, 20. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
MARCH 21, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1987	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 56; NOES, 42. RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 3, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *111*
 2 INTRODUCED BY *Walter* *HART* *William* *Jacobson*
 3 *Robert Gilbert* *Julius* *Sands* *Farr* *July*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF
 5 SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE; PROVIDING A
 6 PENALTY; PROVIDING FOR CONTINUING EDUCATION CONCERNING THE
 7 BENEFITS OF WEARING SEATBELTS; AND PROVIDING FOR THE
 8 ADMISSIBILITY OF EVIDENCE IN CIVIL LITIGATION."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. [Sections 1 through 6] may be
 12 cited as the "Montana Seatbelt Use Act".

13 Section 2. Definitions. As used in [sections 1
 14 through 6], the following definitions apply:

15 (1) "Department" means the department of justice.

16 (2) "Highway" means the entire width between the
 17 boundary lines of each publicly maintained way when any part
 18 thereof is open to public use for vehicular travel.

19 (3) "Motor vehicle" means a vehicle propelled by its
 20 own power and designed primarily to transport persons or
 21 property upon the highways of the state.

22 (4) "Occupants" means the driver and passengers in a
 23 motor vehicle.

24 (5) "Seatbelt" means a system using a lap belt, a
 25 shoulder belt, or other belt or combination of belts

1 installed in a motor vehicle to restrain occupants, which
 2 system conforms to federal motor vehicle safety standards.

3 Section 3. Seatbelt use required -- exceptions.

4 (1) No driver may operate a motor vehicle upon a highway of
 5 the state of Montana unless each occupant of a designated
 6 seating position is wearing a properly adjusted and fastened
 7 seatbelt.

8 (2) The provisions of this section do not apply to:

9 (a) an occupant of a motor vehicle who possesses a
 10 written statement from a licensed physician that he is
 11 unable to wear a seatbelt for medical reasons;

12 (b) an occupant of a motor vehicle in which all
 13 seatbelts are being used by other occupants;

14 (c) an operator of a motorcycle as defined in 61-1-105
 15 or a motor-driven cycle as defined in 61-1-106;

16 (d) an occupant of a vehicle licensed as special
 17 mobile equipment as defined in 61-1-104;

18 (e) children subject to the provisions of 61-9-420; or

19 (f) an occupant who makes frequent stops with a motor
 20 vehicle in his official job duties and who may be exempted
 21 by the department.

22 (3) The department may adopt rules to implement

23 (2)(f).

24 Section 4. Penalty. A driver who violates [section 3]
 25 is guilty of a misdemeanor punishable by a fine of \$25. A

1 conviction for a violation of [section 3] may not be counted
2 as a moving violation for purposes of suspending a driver's
3 license under 61-11-203(2)(1).

4 Section 5. Education program. The highway traffic
5 safety division of the department shall continue its program
6 for public information and education concerning the benefits
7 of wearing seatbelts and include within such program the
8 requirements of [section 3] and the penalty specified in
9 [section 4].

10 Section 6. Evidence admissible without presumption of
11 negligence. Evidence of compliance or failure to comply with
12 [sections 1 through 6] is admissible in any civil action for
13 personal injury or property damage resulting from the use or
14 operation of a motor vehicle, but failure to comply with
15 [sections 1 through 6] does not alone constitute negligence.

16 Section 7. Codification instruction. Sections 1
17 through 6 are intended to be codified as an integral chapter
18 of Title 61.

19 Section 8. Severability. If a part of this act is
20 invalid, all valid parts that are severable from the invalid
21 part remain in effect. If a part of this act is invalid in
22 one or more of its applications, the part remains in effect
23 in all valid applications that are severable from the
24 invalid applications.

In compliance with a written request, there is hereby submitted a Fiscal Note for SB111, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring the use of seatbelts by occupants of a motor vehicle; providing a penalty; providing for continuing education concerning the benefit of wearing seatbelts; and providing for the admissability of evidence in civil litigation.

ASSUMPTIONS:

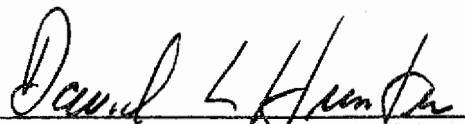
1. Safety belts are 50% effective in reducing deaths and injuries.
2. Deaths due to automotive accidents will decrease by 44 at a usage rate of 50%.
3. Injuries due to automotive accidents will decrease by 700 at a 50% seat belt usage level.
4. The annual number of citations issued will be 3,348.
5. Existing law enforcement personnel - state and local - will be used.

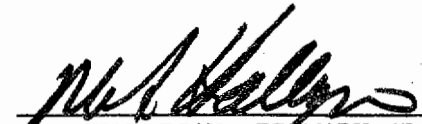
FISCAL IMPACT:

Revenues:	FY88	FY89
State General	\$14,843	\$22,264
Driver Education Fund	6,510	9,765
Crime Victims Fund	4,687	7,031
County Funds	17,366	26,040
City Funds	12,394	18,600
Total	\$55,800	\$83,700

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The long-range effects of SB111 will depend upon the safety belt usage rates attained within the motoring public but would be expected to be quite significant.

 DATE 2/3/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 2-4-87
MIKE HALLIGAN, PRIMARY SPONSOR

Fiscal Note for SB111, as introduced.

SB 111

CHAIRMAN--SEN. DOROTHY ECK
NORMAL SCHEDULE==> SITE: ROOM 410

DAYS: M-W-F

TIME: 1:00 P.M.

SECRETARY--ELLEN NEHRING

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REFERRED TO COMM	DATE OUT
SB0006 LYBECK, RAY	1/05	1/16	REQUIRING HOSPITAL ADMINISTRATOR TO REQUEST ANATOMICAL GIFT	PASS AS AMENDED		1/21/87
SB0013 HALLIGAN, MIKE	12/31		MANDATORY USE OF FRONT SEATBELTS IN LIGHT VEHICLES			
SB0017 PINSONEAULT, R.J. (DICK)	1/05	1/14	REQUIRING APPOINTMENT OF AN INDIAN CHILD WELFARE SPECIALIST		FINANCE & CLAIMS	2/6/87
SB0017 PINSONEAULT, R.J. (DICK)	1/31		REQUIRING APPOINTMENT OF AN INDIAN CHILD WELFARE SPECIALIST	DO PASS		2/6/87
SB0018 PINSONEAULT, R.J. (DICK)	1/05	1/14	REQUIRING PERSON KNOWLEDGEABLE ABOUT INDIAN AFFAIRS ON FOSTER REVIEW COMM.	DO PASS		1/14/87
SB0031 JACOBSON, JUDY H.		1/16	ALLOWING DIRECT PATIENT ACCESS TO PHYSICAL THERAPY	PASS AS AMENDED		1/21/87
SB0031 JACOBSON, JUDY H.	12/31		ALLOWING DIRECT PATIENT ACCESS TO PHYSICAL THERAPY			1/21/87
SB0105 HIMSL, MATT	1/14	1/23	LEGISLATIVE AUDITS OF MONTANA MEDICAL LEGAL PANEL	DO PASS		1/23/87
SB0111 HALLIGAN, MIKE	1/15	2/04	REQUIRE USE OF SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE	PASS AS AMENDED		2/9/87
SB0120 REGAN, PAT	1/16	1/30	REQUIRE GROUP POLICY CHEMICAL DEPENDENCY CARE BY APPROVED PERSON, FACILITY	PASS AS AMENDED		2/6/87
SB0126 WALKER, MIKE	1/16	1/23	REQUIRE PHYSICIANS AND ADMINISTRATORS TO REPORT BURN INJURIES	PASS AS AMENDED		1/31/87

Jan 14 Jan 7

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE
MONTANA STATE SENATE

February 4, 1987

The meeting of the Senate Public Health, Welfare, and Safety Committee was called to order by Chairman Dorothy Eck on February 4, 1987, at 1 P.M. in Room 325 of the State Capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF SENATE BILL NO. 111: SENATOR MIKE HALLIGAN, District # 29, sponsor of the bill, testified that the purpose of this bill is to reduce vehicle fatalities and injuries and to reduce the loss of productive time that people have with their jobs, families, and society. S.B. 111 would also reduce the costs that society pays in medical insurance for those who cannot afford to pay for themselves. Auto fatalities are the number one killer of people in the 15-19 age bracket, seat belts have been standard equipment on cars since 1968, they cost \$60-\$90 to install and cause minimal interference to driver and passengers. Studies over the last few years have demonstrated the effectiveness of seat belts.

S.B. 111 specifies a combination of seatbelts, it excludes school buses for now because of high economic costs of installation, and lists exemptions for farm machinery, those making frequent stops, and children already fall under the Child restraint law. A misdemeanor fine of \$25 is included to provide for enforcement of the law, and the bill calls for continuing education.

PROPOSERS OF SB 111: Larry Tobiason, President, Montana Automobile Association, testified that studies show that the impact of seat belt use in Montana would be 70 lives saved yearly, 1,000 injuries prevented, and \$56,000,000 saved from loss of employment, rehabilitation costs, property damage, law enforcement, and insurance savings. Unbuckled car occupants are five times likelier to be killed, three times likelier to be seriously injured. From surveys conducted of Montana residents in May, 1986, and December, 1986, 69% stated that they favor a mandatory seat belt law.

Exhibit #1.

Michael J. Stevens, Executive Director, Montana Safety Belt Commission, explained the impact of a crash on a buckled and unbuckled car occupant, noted that if a person is involved in a crash and is wearing a seat belt, he more than likely will stay conscious and covered the history of seatbelt laws in this country and several foreign countries. Countries have seen a dramatic decline in injuries and significant increase in usage with imposition of a fine. To stay in a vehicle in a crash, an occupant needs a seat belt. Exhibit # 2.

Dr. John Harlan, Montana Committee on Trauma, recommended that S.B. 111 be passed to reduce mortality and morbidity rates. He stated that driving is only a licensed right, which means the drivers need to recognize their responsibilities to others. When a driver is thrown from a car, that car can travel to do further

SENATE PUBLIC HEALTH, WELFARE
AND SAFETY COMMITTEE
February 4, 1987
Page 2

damage to property and other people, including other automobiles. More than 50% of the people in the state want the least belt law.

Dr. Robert Shepard, American Board of Family Practice, Helena, testified against the miracle argument, that in reality 5-10% survive without seat belts, and 60% survive with. The cost to implement is low, but the savings in medical costs is substantial. The free choice argument doesn't hold water either; people don't have absolute freedom, but rather have many constraints. Injured people often end up on Medicare or Medicaid to take care of injuries.

Mona Jamison, Traffic Safety Now, stated that this country has many restrictive laws, although citizens do have basic fundamental rights. Driving without seatbelts is an infringement on a privilege. Seatbelts increase society's safety, and there are other examples of legislation to protect the general welfare. Liberty begins with life.

Col. Robert Landon, Chief Administrator of the Montana Highway Patrol, stated that statistics show that 87% of those killed in 1986 were not wearing seat belts, and these statistics applied to both drivers and occupants. Highway patrolmen are required to wear seatbelts, and numerous highway patrolmen have survived accidents because of wearing seatbelts. As for school buses, construction of buses will have to change before seat belts will be feasible.

Maggie Bullock, Rehabilitative Division, SRS, stated that since March, 1986, SRS has been keeping records for the cost of rehabilitation. Over \$2,000,000 has been spent since then on victims of auto accidents.

Ed Gapsmeyer, Workman's compensation, offered support for this bill. He stated that two thirds of the Workman's Comp budget is spent for rehabilitation from auto accidents.

Al Goke, Highway Traffic Safety Division, discussed results of a direct observation survey and education programs in the state of Montana. Page 3 of his handout shows the lives saved and money saved with use of seat belts. Part Two contains statistics specifically on passenger cars. With passage of the law, Montana could expect a 50% increase in usage within two years. Eighty percent usage is an attainable goal for all vehicles within five years. Exhibit # 3.

Erv Hedegaard, Whitehall, shared a family tragedy, the death of his daughter and son-in-law, that probably could have been averted if they were wearing their seatbelts. The front seat passengers, who were wearing seatbelts, were not seriously injured. Exhibit #4.

Sandra Allen Royce, Billings, stated that she owes her life to wearing a seatbelt, and that others should have a second chance

at life.

Wiletta Padgett, Missoula, stated that five blocks from her home she was hit by a drunk driver, and use of her seatbelt saved her life.

Laura Engebretson, Montana Extension Homemakers, stated that the association feels that education efforts are a real benefit, but that the law will provide the needed incentive to wear seatbelts. Exhibit # 5.

Alan Kain, President, Montana Blue Cross, stated that the costs of health care are at a crisis and that costs of treating an accident victim usually range from \$100,000 to \$200,000 per accident. Use of seatbelts would greatly reduce the amount and severity of injuries and greatly reduce medical costs.

Mick Mills, emergency medical technician, Libby, MT, testified on the recent death and injury of two Kalispell boys, whose fate would have been different if they had used seat belts. Exhibit #6.

Roland Fisher, Vice President, Montana Hospital Association, stated that there were 8702 accidents in Montana in 1985 that injured occupants. Treatment costs exceeded \$25,000,000. If even a fraction of this money could be saved through the use of seat belts, then this legislation should be passed. Exhibit #7.

Bill Ware, Chief of Police, Helena, stated that seat belt regulations need to be adopted.

Barbara Booher, Montana Nurses Association, stated that nurses are especially concerned about the numbers of auto accident victims they treat, especially children. Wearing of seatbelts should greatly reduce injuries. Exhibit # 8.

Elmer Hausken, AARP, urged all to take the "55 Alive" refresher course, wear seat belts, and stated that the Legacy Legislature strongly favored the seat belt law. Exhibit # 9.

Sandy Heffelfinger, Jefferson School, urged passage of the seat belt law to lower the auto death rate.

Ashley Adams, student, Jefferson School, Helena, testified that her music teacher's daughter was uninjured when her car rolled because she was wearing her seatbelt.

Sonja Worthy, Jefferson School, stated that half of the 8,072 injuries from auto accidents could have been prevented by the use of seatbelts.

Ann Marie Roberts, Hawthorne School, supports S.B. 111 because the use of seat belts gives automobile occupants less chance of getting killed.

Christine Helvik, Hawthorne School, stated that seat belts can be adjusted to one's own comfort and usage lowers the number of those killed. The legislature should have the courage to save lives by passing the bill.

Mickey Nelson, Montana Coroners Association, stated that coroners deal with losses that could have been avoided all the time.

Lloyd Linden, President, Linden's Funeral Home, Inc., stated that he is a member of the Montana Seat Belt coalition and that seat belt use does save lives. He has seen many deaths of both young and old from not using seat belts. Exhibit # 10.

Gary Bennett, Montana Motor Carriers And Highway users Federation, stated that they support the bill.

Dean Mansfield, Montana Automobile Dealers Association, stated that they support the bill.

Bonnie Tippy, Alliance of American Insurers, answered the question of how insurers are responding to seat belt laws. They have actively lobbied the auto industry for passive restraints, and all but three of the top ten auto insurers offer premium discounts to owners of cars equipped with passive restraints. They also offer additional benefits to drivers wearing seat belts. They have long supported seat belt legislation. Exhibit # 11.

David Lackman, Montana Public Health Association, stated that their organization supports the Montana Seat Belt Coalition. He re-emphasized highway Patrol statistics on injuries and fatalities when seat belts were not used and shared research the army did in WW II on use of seat belts with shoulder harnesses in tanks. Again, injuries were considerably less when seat belts were used. Exhibit # 12.

Karl Englund, Montana Trial Lawyers Association, testified that they are concerned over the "seat belt defense", the liability imposed upon an injured party because s/he failed to wear a seat belt. They have prepared an amendment to Section 4 which provides that the failure of any person to wear a seat belt is not negligence and not admissible in any civil action resulting from an automobile accident. This amendment will insure that people who cause injuries in auto accidents are not rewarded for their unlawful conduct. Exhibit # 13.

Randy Gray, National Association of Independent insurers, responded to legal questions raised from Karl Englund's testimony, and stated that they favor the amendment to the bill.

11

OPPONENTS TO S.B. 111: David Driscoll, Hawthorne School, testified that people have a fifty percent higher chance of being involved in household accidents and that you can't put seatbelts on everything in a house. Police officers stopping cars may put themselves and other motorists in danger. If seatbelts are adjusted too loosely, occupants can still get hurt. But he said, "I still wear my seatbelt." Example # 14.

Kevin Helvik, Hawthorne School, Helena, stated that people should have the right to decide and take the risk of whether or not to wear a seat belt. People in the back seat can still break their necks with only a lap belt, and people sinking in water might panic and forget how to release the belt. Exhibit # 15.

Senator J. D. Lynch, District # 34, stated that he is not opposed to the use of seat belts, but that he is opposed to having another law on the books, just another crime for people to commit. Should helmets and teeth protectors be next? Where should limits be drawn? The greed of the auto manufacturers is proven by all the paid lobbyists, who now won't need to do air bag supports. With these even more lives could be saved. The legislature is being short-sighted and should not capitulate to greed.

Don Miller, Helena, stated that there are too many assumptions so far in the testimony and only examples of people who lived because of wearing seat belts. There is too much government regulation now. People should have freedom of choice and have the intelligence to decide for themselves. Living in the U.S. will soon become like living with the Nazi government, which the U.S. defeated in WW II.

Nicole Pyfer, Jefferson School, Helena, stated that if this doesn't pass, we will have to go with air bags; and more study is needed on these.

Vera Cahoon, Missoula County Freeholders, stated that people need to be responsible for themselves. There are many instances where seat belts do not save lives, and her sister-in-law lived because she was not wearing a seat belt.

DISCUSSION ON S.B. 111: Sen. Williams: Who pays the violation, just the driver?

Sen. Halligan: Just the driver pays the fine of \$25.

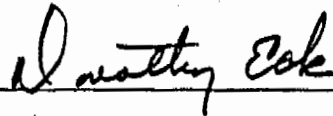
Sen. Rassmussen: Would Karl Englund comment on the legal situation of the other driver not wearing a seat belt?

Karl Englund: This state has no legislative direction, but in other jurisdictions, the injured occupants in the hit car not wearing seatbelts have not been held responsible for injuries.

Senator Halligan closed on S.B. 111 by stating that we are a free country; but as a civilized society, we are capable of adopting legislation that protects the health and safety of citizens. Government can make this request for the benefit of society.

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FEBRUARY 4, 1987
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The meeting adjourned at 3:00 P.M.



CHAIRMAN

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-4-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsl	X		
Tom Hager	X		

Each day attach to minutes.

COMMITTEE ON

DATE 2-4-87

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Donald Miller		SB 111		X
Draw Dawson	MT. Dept Health	SB 111	X	
Mona Jamison	Traffic Safety Nov	SB 111	X	
Mick Mills	Montana EMS Providers	SB 111	X	
John Delano	TSN	"	X	
Larry Tobiasson	Mont. Auto Assoc.	"	X	
Dorlana Doohere	Montana Nurses Assoc.	SB 111	X	
Colin Meley	School District #1	SB 111	X	
Sonya Worthy	Jefferson School	SB 111	X	
Nicole Pyfer	Jefferson School	SB 111		X
Ashley Adams	Jefferson School	SB 111		
David L ACKMAN	MT Public Health Assoc	SB 111	X	
John Coy	concerned citizen	SB 111	X	
Maggie Bullock	SRS	SB 111	X	
Pat Loebe	High Traffic Safety	SB 111	X	
Alan Cain	Blue Cross + Blue Shield	SB 111	X	
William Lloyd Hinden	Self 4 SEAT Belt Coalition	SB 111	X	
Roland Fisher	MT Home Assoc	SB 111	X	
M.E. "Mick" Nelson, former	MT Carriers Assoc.	SB 111	X	
Bob Howard	A. A. Howard & Assoc.	SB 111	X	
Ern Hedegard	Self	SB 111	X	
Candra Allen	Self	SB 111	X	
Carol Hanson	AAAP	SB 111	X	
Willette Padgett	Self	SB 111	X	
Larry Mayneus	Montana Dept of Justice	111	X	
Edward A. Hill	AAAP	SB 111	X	15

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Col. R.W. Landon	Highway Patrol	111	X	
Sgt. Mike Frelick	Highway Patrol	111	✓	
Merle Mansfield	Montana Auto Dealers Assoc.	111	✓	
Jim Manson	Mont. Auto Dealers	111	✓	
Julie Harbor	Mont. Co. Truckholders	111		✓
John W. Harlan MD	American College of Surgeons	111	✓	
Theresa Cahoon	Mont. Co. Truckholders	111	✓	
Ed Mitchell	OPI	111	✓	
Shirley Swartz	M.M.A. American College of Sur	111	✓	
Doug Bennett	MT Highway Users	111	✓	
Randy Gray	State Farm NAIT	111	✓	
R. Budd Gould	Mont. Leg.	111	✓	
Jan T. Zander	M.M.A.	111	✓	
Kevin Helach	Hawthorne School	111		✓
David Driscoll	" "	111		✓
Ann Marie Roberts	" "	111	✓	
Christine Helach	" "	111	✓	
Laura Erickson	Extension University			
Jo Sprick	Self -			X
Bonnie Tippy	Alliance of America Insurers	111	X	
Glen Drake	American Insurance Assn	111	X	

Montana Automobile Association



STATE HEADQUARTERS OFFICES: P.O. BOX 4129
607 N. LAMBORN / HELENA, MONTANA 59604
PHONE 442-5920

TESTIMONY IN FAVOR OF S.B. 111, MANDATORY SEAT BELT USE

MY NAME IS LARRY TOBIASON PRESIDENT OF THE MONTANA SAFETY
BELT COALITION AND PRESIDENT OF THE MONTANA AUTOMOBILE ASSOCIATION.

THERE IS NO QUESTION THAT THE USE OF SAFETY BELTS BY VEHICLE
OCCUPANTS IS THE SINGLE MOST EFFECTIVE PROTECTION AGAINST
DEATH AND INJURY IN AN AUTOMOBILE ACCIDENT. TRAFFIC ACCIDENT
DEATH IS THE THIRD LARGEST KILLER IN THE UNITED STATES AFTER
CANCER AND HEART DISEASE, THE LEADING KILLER OF YOUNG ADULTS
AGE 15 TO 24. IF IT WAS TERMED A DISEASE, YOU COULD SAY IT
HAS REACHED EPIDEMIC PROPORTIONS. IN 1984 ALONE, TRAFFIC
ACCIDENTS CAUSED MORE THAN 300,000 SERIOUS INJURIES AND 20,000
FRONT-SEAT OCCUPANT FATALITIES. IN 1985, 17,938 ACCIDENTS
WERE REPORTED IN MONTANA. OF THESE 8,702 WERE SERIOUS INJURIES
AND 223 WERE FATAL. MOST OF THESE COULD HAVE BEEN REDUCED
TO A SIMPLE SCENARIO OF RETURNING TO WORK, FOR EXAMPLE, WITH
NOTHING MORE THAN A BRUISE - INSTEAD OF FACING MONTHS OF REHABIL-
ITATION TREATMENT FROM SUSTAINING AN IMPACT WITH THE WINDSHIELD,
OR EVEN DEATH.

COUNTLESS STUDIES HAVE BEEN CONDUCTED THAT SHOW USE OF THE
SEAT BELT CAN AND DOES SAVE LIVES AND REDUCES THE ECONOMIC
IMPACT ON OUR SOCIETY. TO GIVE YOU A REAL IDEA OF WHAT KIND

**BRANCH
OFFICES:**

BILLINGS
3220 4TH AVE. NO.
P.O. BOX 2076 (59103)
248-7738

GREAT FALLS
1711 10TH AVE. SO. (59405)
727-2900

MISSOULA
275 W. MAIN (59802)
549-5181

KALISPELL
116 FIRST AVE. W. (59901)
PLAZA WEST 2
755-5511

BOZEMAN
625 NORTH 7TH AVE. (59
PHONE 566-6156

OF AN IMPACT SAFETY BELT USE WOULD HAVE ON OUR OWN STATE. IF 80% OF MONTANAN'S USED SAFETY BELTS REGULARLY, 70 LIVES WOULD BE SAVED, 1,120 INJURIES WOULD BE PREVENTED AND \$56 MILLION WOULD BE SAVED FROM LOSS OF EMPLOYMENT, REHABILITATION COSTS, PROPERTY DAMAGE, LAW ENFORCEMENT AND INSURANCE SAVINGS.

THE UNIVERSITY OF COLORADO MEDICAL SCHOOL IDENTIFIED 256 CAR AND PICK-UP CRASHES WHERE ONE FRONT SEAT OCCUPANT WAS WEARING A SAFETY BELT, WHILE A COMPANION IN THE OTHER FRONT SEAT WAS NOT. THE RESULTS SHOWED THAT THE UNBUCKLED OCCUPANT:

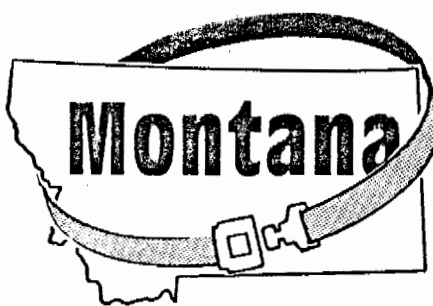
- . WAS FIVE TIMES AS LIKELY TO DIE;
- . WAS THREE TIMES AS LIKELY TO BE INJURED;
- . AND PAID FOUR TIMES MORE FOR MEDICAL CARE.

IT SEEMS IRONIC THAT NOT TOO LONG AGO, I SAW NEWSPAPER ARTICLES WHERE A BUTTE MAN WAS KILLED IN AN ACCIDENT BECAUSE HE WAS EJECTED FROM HIS AUTOMOBILE AND IT ROLLED OVER HIM. JUST OUT - SIDE OF DILLON, THE MOTHER OF TWO SMALL CHILDREN WAS KILLED IN A VEHICLE ACCIDENT BECAUSE SHE WAS NOT WEARING HER SEAT BELT, BUT HER CHILDREN WERE SAVED AS THEY WERE SECURED IN A CHILD RESTRAINT. NUMEROUS ARTICLES APPEAR EVERY DAY ACROSS THIS NATION GIVING TESTIMONY OF THE BENEFITS DERIVED FROM THE SAFETY BELT USEAGE. TODAY YOU WILL HEAR FROM AT LEAST TWO SURVIVORS AS TO HOW SAFETY BELTS SAVED THEIR LIVES. A HIGHWAY PATROLMAN TOLD ME RECENTLY, "HE NEVER UN-BUCKLED A DEAD PERSON FROM AN AUTOMOBILE ACCIDENT".

IN TALKING WITH MANY LEGISLATORS, I HEAR A SIMILAR STATEMENT. MY CONSTITUENTS DON'T WANT THIS LEGISLATION. THAT COULDN'T BE FARTHER FROM THE TRUTH. THE MONTANA SAFETY BELT COALITION COMMISSIONED R.A. HOWARD & ASSOCIATES OF HELENA TO CONDUCT A SURVEY AND ATTITUDE RESEARCH OF MONTANA CITIZENS ON THIS PARTICULAR ISSUE. ONE SURVEY WAS COMPLETED IN MAY OF 1986, AND THE SAME SURVEY WAS CONDUCTED IN DECEMBER OF 1986, JUST SIX WEEKS AGO. SIGNIFICANT FINDINGS FROM THE TWO SURVEYS WERE JUST ABOUT THE SAME. 69% OF MONTANAN'S WOULD FAVOR A MANDATORY SAFETY BELT LAW, WITH MORE THAN HALF OF THOSE STRONGLY FAVORING SUCH A LAW. THE USE OF SAFETY BELTS WOULD INCREASE TO 83% IF THERE WERE A MANDATORY SAFETY BELT LAW IN MONTANA. IF MONTANA PASSED A MANDATORY SAFETY BELT LAW, A VAST MAJORITY, 86% FEEL THAT THE LAW SHOULD BE SOMEWHAT OR VERY STRICTLY ENFORCED. SO YOU CAN CLEARLY SEE, THE PEOPLE OF MONTANA, YOU CONSTITUENTS WANT AND DESERVE SAFETY BELT LEGISLATION. PLEASE LOOK FAVORABLY UPON THIS LEGISLATION AND GIVE S.B. 111 A DO PASS RECOMMENDATION.

SAFETY BELTS ASSIST OCCUPANTS IN EIGHT WAYS

1. There is a "ride down benefit", in which the belt begins to stop the wearer as the car is stopping.
2. The belt spreads the stopping force widely across the strong parts of the body.
3. The belt keeps the head and face of the wearer from striking objects like the wheel rim, windshield, interior post, or dashboard.
4. Belts prevent vehicle occupants from colliding with each other.
5. Provide a predictable location for the occupant after the crash.
6. Occupant has the best chance of remaining conscious after the crash to react to the situation.
7. Belts help the driver to maintain vehicle control, thus decreasing the possibility of an additional collision.
8. Seat belts hold the occupant in their station to take advantage of airbags, if installed.



Montana Safety Belt Coalition, Inc.

P.O. Box 4368

Helena, MT 59604

(406)449-6134

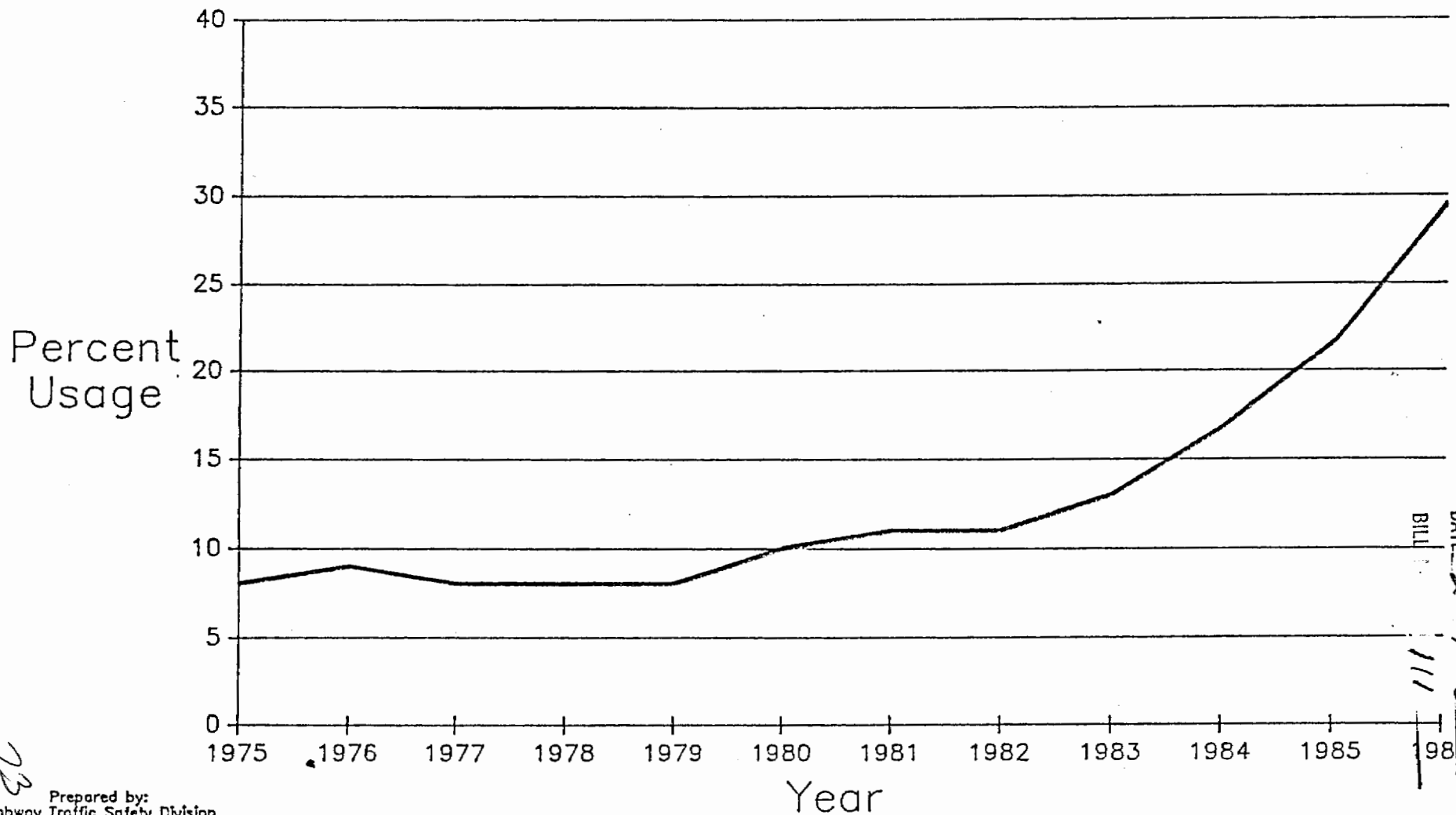
Montana Safety Belt Coalition Membership List

February 4, 1987

Montana Hospital Association
Montana Highway Users' Federation
Montana Medical Association
Montana Automobile Association
Montana Committee on Trauma of the American College of Surgeons
Montana Motor Carriers Association
Alliance of American Insurers
Montana Automobile Dealers Association
Montana Highway Patrol
Montana Traffic Safety Division
Montana Nurses Association
Motor Vehicle Manufacturers Association
American Automobile Association
American Public Health Association
American Medical Association
American College of General Physicians
International Association of Chiefs of Police
National Association of State Directors of Law Enforcement Training
Montana Extension Homemakers Council
Mountain Bell
Conoco, Inc.
Montana Coroners Association
Office of Public Instruction
School Administrators of Montana
Montana Traffic Education Association
National Highway Users Federation
Montana Safety Foundation
Montana Association of Women Highway Safety Leaders
American Association of Retired People
Ford Motor Company
General Motors Corporation
Montana Emergency Medical Services Association
American Lung Association of Montana
Montana Dental Association
Montana Power Company
Pacific Power
Du Pont
Northwestern Telephone Systems, Inc.
Montana Association of School Nurses
Critical Illness and Trauma Foundation
Blue Cross/Blue Shield
Americana Expressways
Montana Congress of Parents and Teachers (PTA)

Montana State Pharmaceutical Association
Montana Health Care Association
Montana Funeral Directors Association
Country Classic Dairies, Inc. of Bozeman
Montana Public Health Association
Cliff Reed, Inc. of Corvallis
Rotary Club of Helena Sunrise
United Parcel Service

Montana Seat Belt Usage



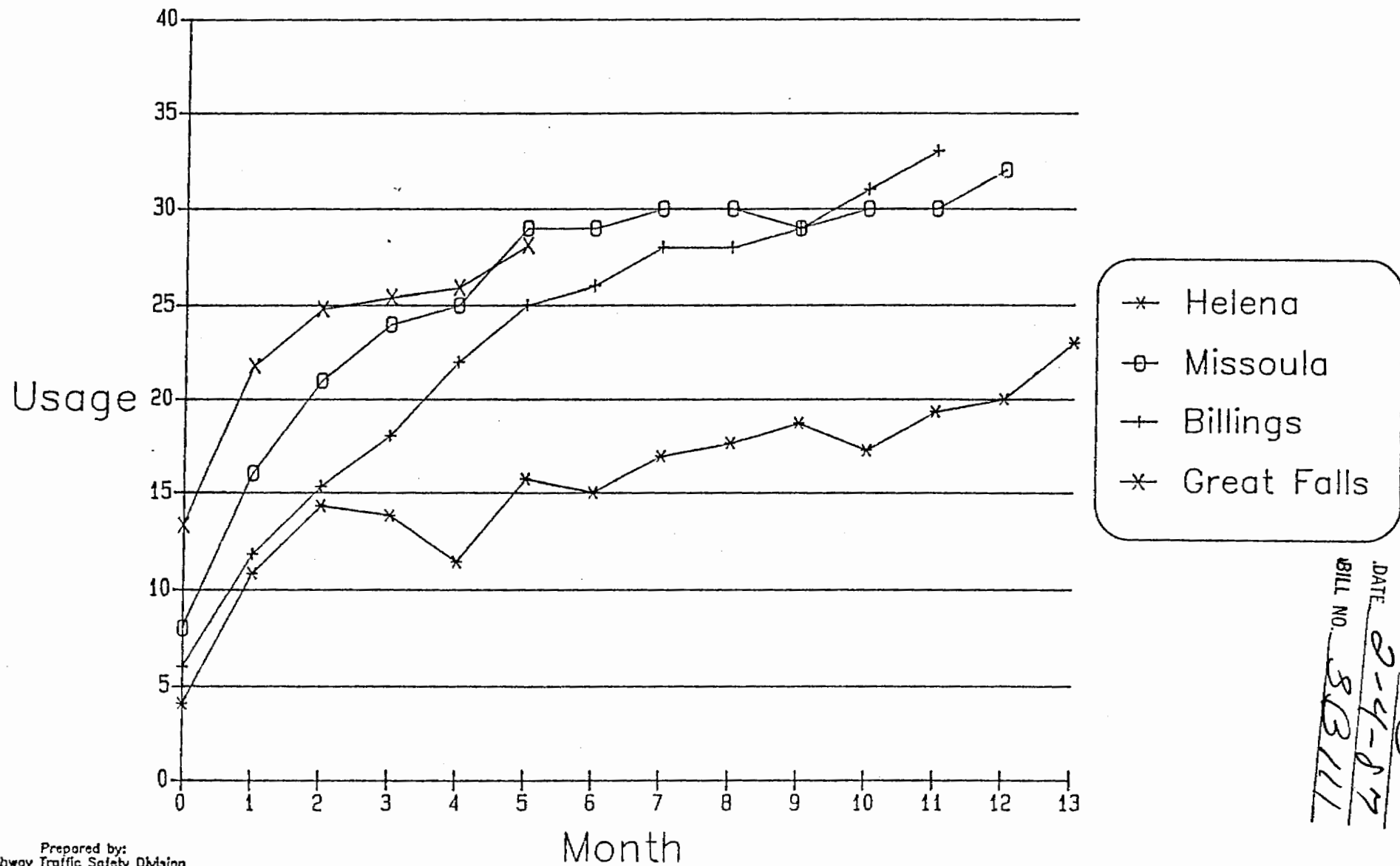
SENATE HEALTH & WELFARE

EXHIBIT NO. 3

DATE 2-4-87

BILL 111

Seat Belt Incentive Programs



Prepared by:
Highway Traffic Safety Division
Montana Dept. of Justice

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2-4-87
BILL NO. 803111

ESTIMATED MONTANA BENEFITS OF A SAFETY BELT USE LAW

A. If Law Covers All Passengers (Front & Rear Seats) in All Cars & Trucks

<u>Anticipated Usage Rate</u>	<u>Lives Saved</u>	<u>Injuries Prevented</u>	<u>Dollars Saved</u>
100%	87	1400	\$70 Million
80%	70	1120	\$56 Million
50%	44	700	\$35 Million
40%	35	560	\$28 Million
Current Level			
30%	26	420	\$21 Million

B. If Law Covers Only Passenger Cars (Front Seat Passengers Only)

<u>Anticipated Usage Rate</u>	<u>Lives Saved</u>	<u>Injuries Prevented</u>	<u>Dollars Saved</u>
100%	37	854	\$32 Million
80%	30	683	\$25 Million
50%	19	427	\$16 Million
40%	15	342	\$13 Million

Prepared by the Montana
 Highway Traffic Safety Division
 Department of Justice

ALTHOUGH THERE WERE
SOME ERRORS, THIS WAS
A BEAUTIFUL TRIBUTE TO
KAREN & DALE. THIS ARTICLE
APPEARED ON THE FRONT
PAGE OF THE HELENA
INDEPENDENT RECORD THE
DAY OF THE FUNERAL.

SENATE HEALTH & WELFARE

EXHIBIT NO.

DATE

BILL NO.

INDEPENDENT RECORD

July 24, 1985
Helena, Montana
Vol. 41 No. 245
Single copy 35c

Town buries dream couple

20

SATURDAY

PLUS 1 MONTH

It was a dream match made in Whitehall. Perhaps in heaven, too.

Dale E. Neumann was the high school salutatorian and captain of the football team who went on to become the tiny town's first West Point graduate. **HEDEGAARD**

Karen ~~Hildegaard~~ was the head of Whitehall High's honor society and captain of the girl's basketball team who went on to a successful career in fashion merchandising.

They were married on ~~July~~ **JUNE** 19, 1983 — an extremely bright, attractive and likeable couple, the cream of Whitehall's crop.

On July 19, 1985 — last Friday, their second wedding anniversary — Dale, 24, and Karen, 22, were killed together in a car wreck in Fort Polk, La.

Many Whitehall businesses closed today during funeral services for the couple whose bright future was so abruptly cut short.

Dale, who graduated from Whitehall High in 1979, and Karen, who graduated two years later, were special people. They were leaders on the field and in the classroom.

He had become a first lieutenant in the Army, which had stationed him at Fort Polk, the scene

of the accident. She had graduated with a merchandising degree from New York City's Fashion Institute and was the assistant manager of a department store in Leesville, La., near the fort.

Dan Reum, the high school's athletic director and Dale's coach when he was in grade school, called him "a first-rate player and a great guy."

"They were both just real positive people," he said. "They always took a real positive approach to life and added what they could to it."

After services in St. Teresa Catholic Church this morning, they were buried in the Whitehall Cemetery with a military honor guard and many of the town's 1,100 people attending.



Karen and Dale Neumann hopes resting on the

Testimony of: Laura Engebretson, President
Montana Extension Homemakers
529 7th Ave
Havre, MT 59501

SENATE PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

SB 111

Madam Chairman, Members of the committee.

I'm Laura Engebretson, President of the Montana Extension Homemakers. Our membership of 5,252 Montana Extension Homemakers supports SB 111. As community leaders and community members we feel that certainly education goes a long way in discovering the benefits of seat belts. However, education alone will not offset the tremendous economic loss suffered by ~~all~~ Montana families because of the lack of use of existing safety equipment. This legislation will provide further incentive to use seat belts. SB 111 is a responsible solution to an otherwise losing proposition. We urge you, give SB 111 a do pass.



KALISPELL DIAGNOSTIC SERVICE P.C.

SUITE 204

210 SUNNY VIEW LANE

KALISPELL, MONTANA 59901

AC 406 755-7406

JAMES E. McCREEDY, M.D.
JACK L. DAVIS, M.D.
BENNIE J. ROSSETTO, M.D.
WILLIAM M. BOEHME, M.D.

DIPLOMATES
AMERICAN BOARD OF
INTERNAL MEDICINE

SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 2-4-87

BILL NO. 111

January 30, 1987

TO: Senator Dorothy Eck
Chairman, Senate Committee on Public Health, Welfare and Safety

RE: Montana Seat Belt Act - Senate Bill 111

Dear Senator Eck:

I appreciate the opportunity to address the Committee in strong support of Senate Bill 111. As this communication will indicate, personal family catastrophe directly bearing on this legislation prohibits my personal attendance at the hearing February 4th. I have therefore requested Mick Mills of Libby to present this communication.

I have been a practicing physician in Kalispell for over 15 years specializing in Critical Care Medicine and cardiovascular diseases. In this capacity, I've been involved in front line in-field and emergency room direct patient care both locally and at the State level via the Montana Medical Association's Emergency Medical Services Committee. I've been fortunate to have been the originator of the ALERT helicopter program which has transported over 3,000 ill and injured people, and have also been involved in the development at the State level in systems to care for the critically injured. In these capacities, I've become knowledgeable of a continuing critical problem in our State and at a national level--needless injury, death, and prolonged disability due to lack of seat belt use. This medical experience has taught me and others involved in the day by day care of the critically injured a cardinal lesson--critical injury and death especially due to head injury is a rare occurrence in those persons who are wearing restraints at the time of an accident, yet common without restraints. To quote Richard Dewey, M.D., a neurosurgeon from Missoula with 14 years of experience managing critical head injuries --"They just don't occur if a seat belt is worn". There is indeed overwhelming evidence to this effect from a medical as well as crash-injury data standpoint and solid data of the financial loss to families and taxpayers from the resultant injuries sustained.

I'd like to briefly share with you and the Committee, a recent accident just north of Kalispell. A near head-on collision occurred--the cause of which remains unknown. Passengers in one car, two boys ages 16--killed due to head injury (thrown from vehicle), and 17--sustained critical head and other injuries (thrown from vehicle) underwent emergency brain surgery and may never recover to a functional individual. Both boys

Senator Dorothy Eck
January 30, 1987
Page Two

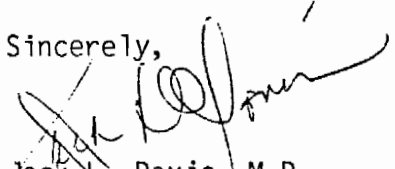
RE: Montana Seat Belt Act, Senate Bill 111
SENATE HEALTH & WELFARE
EXHIBIT NO. 6
DATE 2/1/87
BILL NO. SB 111

were excellent students and planning careers in veterinary medicine and computers. In the other vehicle, a mother and daughter (not thrown from vehicle). The mother is recovering rapidly from injury although her daughter is slower to recover. This scene, a common occurrence to physicians throughout Montana, could have been drastically altered by seat belt use which has been clearly shown to increase in states which have seat belt legislation, as being thrown from the vehicle is the leading cause of head injury, death and permanent neurological damage. The families of both boys utilized seat belts but as presented data will demonstrate, "because it's not a law, it must not be important". There is little doubt that the parents of these young people would be happy to testify to the necessity of seat belt legislation as would the hundreds of families so effected in the past. There is little doubt that in addition to prevention of death and long term disability, that there is incurred to Montana extreme financial loss not only in productive individuals but actual dollar outlay for medical care, nursing home care, and rehabilitation at a time when our State can least afford it.

In closing, today I place this testimony before the Committee in representing the physicians and medical facilities who care for these needless tragedies. In addition, I wear two hats before the Committee. One of the physician, and the other--as the father of one of these boys both of whom were law abiders. While I recognize an issue of personal decision exists, I must recognize that it is our responsibility as citizens, and yours as legislators, to produce certain laws for society's protection which have profound effects on vehicular injury and death. Seat belt legislation poses no more of a personal freedom reduction than DWI laws, speed limits, stop signs and lights, and in final analysis, we have a certain debt--to protect our youth, the future of Montana.

I appreciate the opportunity to appear before you and to enter these comments on behalf of not only medicine, but the parents of Montana.

Sincerely,


Jack L. Davis, M.D.

JLD:lr
cc



Montana Hospital Association

(406) 442-1911 • P.O. BOX 5119 • HELENA, MONTANA 59604

SENATE HEALTH & WELFARE
EXHIBIT NO. 7
DATE 2-4-87
BILL NO. 111

Madam

Mr. Chairman, ladies and gentlemen of the committee I am Roland Fisher, Vice President of the Montana Hospital Association. The MHA is supported by 55 member hospitals in our state and on behalf of this membership the following testimony is given in support of Senate Bill 111.

An unfortunate truism is that automobile accidents will continue to occur, in Montana as in other states, in varying forms of severity. We see S. 111 as a way to control a portion of the pain and suffering associated with auto accidents and also as a means to reducing the devastating costs incurred by crash victims, their families and society.

In 1985 the Montana Highway Traffic Safety Division reported 8702 auto accidents that caused injury to the occupants. The degree of severity of these injuries is unknown and one must assume there were incidents where minor and major financial costs involved. If we consider the average charge per patient stay in Montana's hospital of \$2,922 (*) and this multiplied by the number of accident producing crashes we find where emergency and rehabilitation costs in hospitals alone could exceed \$25 million dollars. If only a fraction of this amount is saved by reducing accident severities thru the use of safety belts then S. Bill 111 truly deserves your support. I encourage your consideration.

(*) Average charge per stay in Montana (\$2,922) developed by the independent survey by the Equitable (HCA) Corporation. In this survey Montana ranks 44th among the 50 states in average charge per stay.



Montana Nurses' Association

715 Getchell

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

SENATE HEALTH & WELFARE
EXHIBIT 8
DATE 2-4-87
BILL NO. 111

SB111

Senator Eck, members of the committee.

My name is Barbara Booher, I'm the Executive Director of the Montana Nurses' Association, representing over 1400 registered nurses from across the state of Montana. I am here to speak in favor of SB111, requiring seat belts to be worn by occupants of motor vehicles.

Nurses are very concerned about health and safety issues, especially in regard to children. Many of our members serve in emergency rooms of hospitals and have to deal with victims of automobile accidents. Because of our experience in providing nursing care for these victims, and because of the overwhelming evidence supporting mandatory seat belt laws as a way to reduce injuries to accident victims, we support this bill.

We feel safety belts and child restraint seats go a long way in preventing unnecessary injury and death due to motor vehicle accidents. The Montana Nurses' Association strongly supports passage of SB111.

Respectfully Submitted,

Barbara E. Booher
Executive Director

NAME: ELMER HAUSKEN

DATE: 2/3/87

ADDRESS: 1400 HIGHLAND

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

PHONE: 1-406-442-8319

DATE 2-4-87

BILL NO. 111

REPRESENTING WHOM? AARP

APPEARING ON WHICH PROPOSAL: SB 111

DO YOU: SUPPORT? ☒

AMEND? ☐

OPPOSE? ☐

COMMENTS: THE AARP STRONGLY SUPPORTS MANDATORY
SEAT BELT LEGISLATION, FROM OUR 80,000 MEMBERS IN MONTANA
AS A SENATOR IN THE 1986 LEGISLATURE I SUBMIT THAT WE PASSED A
MANDATORY SEAT^{BELT} ACT WITH ONLY ONE
DISSENTING VOTE.

VOTE YES ON THIS BILL, THE
LIFE YOU SAVE WHEN YOU BUCKLE UP
MAY BE YOUR OWN
TAKE THE "55 ALIVE" DRIVER
REFRESHER COURSE PUT ON BY AARP -
IT DEMANDS USE OF SEAT BELTS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE BILL 111

Testimony Of William Lloyd Linden BILL NO. 111

President, Linden's, Inc.

Owner Of

Linden's Herrmann & Company Funeral Home

Former Owner

Of

Linden Ambulance Service

Before The Senate Health, Welfare & Safety Committee
February 4, 1987

Chairman and members of the Committee, for the record, I am William Lloyd Linden from Helena, Montana. I am President of Linden's, Inc. We own and operate Linden's Herrmann & Company Funeral Home and owned and operated Linden Ambulance Service here in Helena for 13 years until we sold the ambulance service to Saint Peter's Hospital in December of 1984. I am a licensed mortician and was an Emergency Medical Technician for many of the years that we owned the ambulance service. I am also a member of the Montana Seat Belt Coalition.

It has been my experience, both in the funeral home, and even more so in my years as an EMT, that the use of seatbelts does save lives and lessens the seriousness of injuries in motor vehicle accidents. In accidents that we responded to throughout the years, I saw needless deaths and serious injuries where seat belts were not used, particularly in the case of the young and the elderly victims.

Furthermore, it is a fact, that there is a high rate of "burnout" among ambulance personnel and funeral home personnel. It is my belief that a portion of this "burnout" is a result of seeing a senseless waste of lives, unnecessary injuries, pain and suffering.

Testimony of W. L. Linden on SB111
February 4, 1987
Page 2

SENATE HEALTH & WELFARE
EXHIBIT NO. 10
DATE 2-4-87
BILL NO. SB111

Because of what I have seen and experienced in both of my businesses, I am a firm believer in the use of seatbelts; and, my entire family wears them at all times (even though it is a constant battle to see to it that my ten-year-old Son wears his).

In closing, I would like to say that if Senate Bill 111 does pass, perhaps even those who argue against it will find that wearing seatbelts is not so difficult or restrictive. They might even be one of the fortunate motor vehicle accident victims whose life is saved by the use of a seatbelt.

If you do not vote "YES" in support of passing Senate Bill 111, at least wear your seatbelt. If you do vote "YES" in support of Senate Bill 111, wear your seat belt, please. And, please, I urge you to give Senate Bill 111 a DO PASS recommendation. Thank you for your time and consideration.



SEAT BELT LAWS:

Studies and statistics prove they work

SEN. J. E. HEALING & WELFARE

EXHIBIT 11

DATE 2-4-87

BILL NO. 111

Imagine driving through a parking lot at 10 miles an hour, a slow speed by most standards. Not considering this a dangerous situation, you don't bother wearing a safety belt. Suddenly a car backs out from between two parked vehicles, appearing before you in the flash of a second. You slam on the brakes to avoid collision, the steering wheel rams into your chest and there is nothing to stop your head from crashing through the windshield. Imagine an unbelted child in the back seat sailing forward and into the dashboard. It is not a pretty picture. Its not meant to be. But it happens.

Seat belts were not created only for high speed driving. Whether a car is going 8 mph or 80 mph the driver will be in much less danger of injury if wearing a seatbelt. But despite statistics which prove thousands of injuries and fatalities are prevented annually by increased seat belt usage, many drivers and passengers still go without. If you are one of them, consider these facts researched by the National Safety Council, Insurance Institute for Highway Safety, and the Illinois Department of Transportation:

- Studies show that front seat driver/passenger deaths were reduced by 285 during the first year that New York, New Jersey, Michigan and Illinois had mandatory seat belt laws. The study was based on 1985 statistics.
- Motor vehicle accidents are the leading cause of death from ages one to 44.
- The force of an impact at just 10 mph is equivalent to catching a 200-pound bag of cement thrown from a first-story window. At 35 mph, the impact is substantially more brutal. There is no way your arms and legs can brace you against that kind of force — even if you could react in time.
- Three out of four crashes happen within 25 miles of home.
- Approximately half of the 51,000 people killed in motor vehicle accidents annually could be saved if they had been wearing safety belts.
- A common cause of death and injury to children is being crushed by unbelted adults.
- Seat belts keep a person's head from striking the steering wheel, windshield and dashboard. Head injuries account for 47.7 percent of fatalities in auto accidents.
- "I'd rather be thrown clear," a statement sometimes made by seat belt opponents, is a misperception. Being thrown from a vehicle usually means flying through the windshield or catapulting out a door, sliding along concrete or gravel at a skin-ripping speed, and crashing into another object — often oncoming traffic. In either case, your chances of being killed are 25 times greater than if you had remained in the car.
- Wearing a manual lap and shoulder belt during an accident reduces the chance of fatality by approximately 50 percent, moderate or critical injury by 55 percent, and minor injury by 10 percent.
- The 40,000 to 50,000 highway fatalities which take place each year result in a cost to society of more than \$40 billion annually.
- Motor vehicle accidents are the number one cause of on-the-job fatalities and cost employers nearly \$120,000 per death.
- Motor vehicle fatalities occur 10 times more often than those by any other form of transportation.
- Many insurance companies in states with mandatory seat belt laws have lowered

Insurers cut premiums for passive restraints

By Jake Kelderman
Washington Reporter

WASHINGTON.—Later this year, new-car prospects will be able to buy a car with a passive restraint from every auto manufacturer who sells in this country.

The nation's major auto insurers are hoping many will say yes and are offering policy discounts as an incentive.

A survey of the Top Ten auto insurance companies indicates that many already offer discounts or other incentives to car buyers who opt for the safety device, either an air bag or an automatic belt system, and that those who do not likely will change their minds because of competitive pressures.

"It's only a matter of time before they all offer discounts," said a spokesperson for the Insurance Services Office, a nonprofit rate-making advisory service for the industry.

Auto makers must offer passive-restraint systems in 10 percent of their models beginning with the 1987 model year under regulations established by the Federal Government. The controversial regulation also says that unless states with two-thirds of the U.S. population enact mandatory seat-belt-use laws by April 1, 1989, all new cars must be equipped with the devices in the 1990 model year.

The insurance companies have lobbied long and hard for the passive devices, battling first the car makers and more recently the Department of Transportation. Indeed, this week, a coalition led by State Farm Mutual and Nationwide Mutual face off against the DOT in the court of appeals here over the validity of the department's requirement that ties installation of the devices in passenger cars to the number of states with mandatory seat-belt-use laws.

It was not until recently, however, that the insurance companies began offering premium discounts to those who ordered

the passive restraints in their cars. With increasing availability, that is now changing.

Of the Top Ten auto insurance companies, only three offer no direct premium discounts, the Automotive News survey shows, and one of those offsets that lack somewhat by offering \$10,000 additional coverage to those restraint users killed or injured in an auto accident.

Ironically, State Farm, the country's largest auto insurer and

the leader of the fight for mandatory passive-restraint systems, is one of those that does not offer a premium discount.

Robert Sasser, a spokesperson for the company, said it was because there are not many passive-restraint-equipped cars in the field yet and also because the company wants to see what the total impact will be first. "It doesn't mean we won't offer them in the future," he said.

The other companies not offering a premium discount are Continental Insurance Co., the nation's 10th largest auto insurer, and Farmers Automobile Insurance Assn., the nation's third largest.

United Services Automobile

Assn. (USAA) also offers no direct discount but does provide \$10,000 in additional benefits for its members if they are injured or killed while using either an active or passive safety system. USAA is the nation's eighth largest auto insurer.

The remaining members of the Top Ten all offer discounts in varying degrees but none exceeds a 30-percent reduction in personal injury premiums.

The companies and their ranking are: Allstate Insurance Co., (2); Nationwide Mutual Insurance Co., (4); Aetna Life and Casualty Co., (5) in New York and Connecticut only; Travelers Insurance Co., (6); Liberty Mutual Insurance Co., (7), and Cigna Corp., (9).

SEN. ...
EXH. ...
DATE ... 2-4-87
BILL NO. ...
Automotive News
March 17, 1986
pg. 42

WITNESS STATEMENT

NAME DAVID LACKMAN BILL NO. SB111
 ADDRESS 1400 Winne Avenue, Helena, MT 59601 443-3494 DATE 2/4/87
 WHOM DO YOU REPRESENT? Lobbyist, Montana Public Health Association
 SUPPORT XXX OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY ELLEN NEHRING
 SB111 (Halligan) Require use of seatbelts by occupants of a motor vehicle.
 Comments: Senate Public Health Rm 410 1:00 P.M. Wed. 2/4/87 (Dorothy Eck)

Use of seat belts saves lives and prevents injuries. Some insurance companies add \$10,000. to benefits if one is killed in a motor vehicle accident while wearing a seat belt. This suggests something about the desirability of using them.

However, figures indicate that, in Montana, only 29.5 % of Montanans consistently use them. Sometimes I am asked- When are you going to stop trying to regiment us with laws ? When it affects the lives of others, especially your survivors; and

education fails, we in public health will continue to behave the way we do.

Attempted suicide is not a civil matter; but is a criminal offense.
 Again, I refer you to the latest report of the Montana Highway Patrol.

Fatal injury: Seat belt used 17
 Seat belt not used 128

Incapacitating injury: Seat belt used 188
 Seat belt not used 1313

In those cases where seat belt used; injury often occurs when an unprotected head impacts a hard object. That is a reason for shoulder restraints.

My first experience with restraints was at Camp Hood when we were preparing Tank Destroyer battalions to stop Field Marshal Rommel in N. Africa. The morgue was part of our lab.; and I usually was involved in accident analysis. When seat belts were installed in jeeps; some of my business decreased. Restraints were very important when TDs were negotiating rough terrain- failure to use them resulted in some bad injuries.

If all members of our species acted on the basis of available information, such legislation wouldn't be necessary- but they don't ! We wholeheartedly support the Montana Safety Belt Coalition; their data and conclusions. We urge passage of SB 111.

Thank you

DBL

37

LAW OFFICES

SHERWOOD & ENGLUND

401 N. WASHINGTON/P.O. BOX 8142
MISSOULA, MONTANA - 59802/59807
(406) 721-2729

TESTIMONY OF KARL J. ENGLUND, REPRESENTING THE MONTANA TRIAL
LAWYERS ASSOCIATION, BEFORE THE SENATE PUBLIC HEALTH, WELFARE AND
SAFETY COMMITTEE, CONCERNING S.B. 211, FEBRUARY 4, 1985

Madam Chair and Members of the Committee:

My name is Karl Englund. I am an attorney from Missoula and
am the registered lobbyist for the Montana Trial Lawyers
Association. The Trial Lawyers Association is an organization of
Montana attorneys who primarily represent plaintiffs, or injured
parties, in civil litigation.

We consider our role at the Legislature to be fairly
limited. It is our responsibility to insure that injured people
have adequate remedies available to compensate them for injuries
received through no fault of their own. For this reason, the
Trial Lawyers neither support nor oppose the concept of mandatory
seat belt use. However, there is one provision of S.B. 211 which
will fundamentally change Montana law regarding what we lawyers
call "the seat belt defense", or liability imposed upon an
injured party because he/she failed to wear a seat belt.

Our Supreme Court considered, and rejected, adopting the
seat belt defense in the case of Kopischke v. First Continental
Corporation, ___ Mont. ___, 610 P.2d 668 (1980). In a well-
reasoned opinion, our Court looked at what has been done in other
states and concluded:

The overwhelming majority of the cases, be they from
contributory negligence states or comparative negligence
states, refuse to penalize a plaintiff for not using
seat belts and have rejected the defense. Id. at 679

The Court also noted that the seat belt defense essentially

rewards negligent drivers by requiring people to anticipate their negligence. "The defendant should not diminish the consequences of his negligence by the failure of the plaintiff to anticipate the defendant's negligence in causing the accident itself." Id. at 680 "The plaintiff need not predict the negligence of the defendant." Id.

Perhaps more importantly, the Court addressed administrative problems which would result from the adoption of the seat belt defense. In order to fully understand these administrative problems, one must first understand how motor vehicle accidents are handled under current Montana law. Lets assume that driver X is involved in an auto accident with driver Z. Z, intoxicated, runs a stop sign and hits X, causing significant personal and property damage. Under current Montana law, X's medical and out-of-pocket expenses will be paid almost immediately by Z or Z's insurance carrier. If we had adopted the seat belt defense and if X had not been wearing his/her seat belt, the burden would shift to X to demonstrate which of his/her injuries would have occurred had he/she been wearing the seat belt. This, in turn, would require X to hire some kind of expert to establish this difficult question of fact. Our Court said it best:

(A)llowing the seat belt defense would lead to a veritable battle of experts as to what injuries would have or have not been avoided had the plaintiff been wearing a belt. At best it would cause substantial speculation by the trier of the facts. Id.

Finally, our Court concluded its discussion by summarizing the negative aspects of the seat belt defense.

It would be improper for an injured driver or passenger to be penalized in the eyes of the jury by permitting

evidence to be presented that a seat belt was available which had not been put in use. The seat belt defense would soon become a fortuitous windfall to tort-feasors (wrong-doers) and would tend to cause rampant speculation as to the reduction (or increase) in the amount of recoverable damages attributable to the failure to use available seat belts...It would be a harsh and unsound rule which would deny all recovery to the plaintiff, whose mere failure to buckle his belt in no way contributed to the accident and exonerate the active tort-feasor but for whose negligence the plaintiff's omission would have been harmless. Id.

Accordingly, we have prepared an amendment to Section 4 of S.B. 211 which provides that the failure of any person to wear a seat belt is not negligence and not admissible in any civil action resulting from an automobile accident. This amendment will preserve the present status of the law in Montana and will insure that people who cause injuries in auto accidents are not rewarded for their wrongful conduct.

Thank you for your time and attention.

Madam chairman members of
committee

SENATE HEALTH & WELFARE

EXHIBIT NO 14

DATE 2-7-87

I am David Drusoli a fourth grade
student at Hawthorne elementary. I think
bill 111 should not be passed. You bought
your car its yours. And theirs property
a 50% chance you'll be involved in
a household accident thats like
putting safety straps on everything
in your house so a nose does not fall on your
head. And if a police man is
checking for seatbelts in another
moving vehicle he could be putting
his and your life in danger. And
some people say you can adjust
your seatbelt but the looser
you make it the more chance there
is of getting hurt. But I still do
wear my seatbelt. Thank you

David

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MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE;

I AM KEVIN HELVIK FROM THE FOURTH GRADE. ~~BECAUSE~~ I REPRESENT
HAWTHORNE SCHOOL IN HELENA.

I DON'T THINK HAVING TO WEAR SEAT BELTS SHOULD BECOME A
LAW BECAUSE PEOPLE SHOULD HAVE THE RIGHT TO DECIDE IF
THEY WANT TO WEAR SEAT BELTS OR NOT.

IF PEOPLE WANT TO TAKE THE RISK, WHY DON'T PEOPLE LET
THEM? IF YOU ARE WEARING A SEAT BELT AND SINK IN WATER,
YOU WOULD BE IN SO MUCH PANIC YOU COULDN'T PUSH THE BUTTON
TO RELEASE THE BELT, BUT IF YOU DIDN'T HAVE ONE ON YOU
COULD GET RIGHT OUT.

PEOPLE IN THE BACK SEAT CAN STILL BREAK THEIR NECK EVEN
IF THEY HAVE A SEAT BELT ON.

THIS SHOULD BE THE PEOPLE'S CHOICE!!!!!!

THANK YOU!!!!!!

my name is Kristine Helvik I am a 8th
grade student at Hawthorne School
in Helena

Madam chairman, members of
the comitty, ~~the people~~
Some people say seatbelts are
uncomfortable, but you can
adjust them to your choice. Maybe
one of the lives you save may
be mine, my grandchildren's....
or yours. People's doctor and
hospital bills and insurance bills
wouldn't be so high. Seatbelts
would not save everyone's
lives but they would lower
the number killed. ~~that's all~~

~~See you at the bank next time~~

If you have the courage to say YES to seatbelts, everyday for the
rest of your life, you will know that people are alive because of
your vote and your courage.

Thank you.

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DATE 2-4-87BILL NO. SBILL

MEMBERS OF THE SENATE PUBLIC HEALTH, WELFARE AND
SAFETY COMMITTEE

FROM: BEN TOLESTED; MANAGER OF INFANT RESTRAINT PROGRAM
FOR ST. PETER'S COMMUNITY HOSPITAL ASSOCIATION, HEALTH
PROJECTS CHAIRMAN, FOR MONTANA MEDICAL ASSOCIATION
AUXILIARY.

I apologize for not being able to address you in person as
was my intention, but business takes me away from Helena on this
day.

You have heard the testimony on the extent of the problem
with deaths and injury on our highway. It comes with a great
deal of grief and pain to the individuals and families involved
in motor vehicles, in addition, we have the huge cost to our
citizens for medical expenses, lost wages, higher insurance and
higher taxes for police to investigate these accidents, legal
costs involved during litigation and costs for long term medical
care and rehabilitation of injured persons. I believe that
the estimated \$56,000,000 that would be saved if you passed
SENATE BILL 111 and cannot be ignored by anyone in this
legislature.

In my work with the infant restraint program, I always remind
the parents that they don't do their children a favor by buckling
the child up and then neglect to buckle themselves up. To
illustrate I'd like to use the example of the young mother from
Illion who received two citations for not having her children
restrained. A short time later she was involved in a one
vehicle rollover which was fatal to her, but her children who
were restrained escaped unharmed. This young family has lost
the person who historically does the nurturing of young children,
and undoubtedly caused an economic burden on the family. If the
legislature had seen fit to pass a MANDATORY SEAT BELT LAW last
session, perhaps, this story would have had a different outcome.

In my own experience, eighteen years ago, my in laws were
killed on a Montana highway, when they were killed on a head-on
collision on icy road. They were unrestrained and my husband
feels certain that they might be living today had they been.
They were South Dakota Farmers and had that independence that
comes from pioneer living. As a result of this accident my
children lost the only grandparents that they had and greatly
diminished the quality of life from knowing their grandparents.
This leads to the argument the MANDATORY SEAT BELT LAW will
interfer with a persons RIGHTS. Yet you know that from the
examples above that right is dead wrong. Since it affects us
all in some way, either, personally or financially, I plea with
you to put aside some personal conviction you may have about what
our personal RIGHTS should include and pass SENATE BILL 111 to do
something that is right for all the citizens of Montana.

As Health Projects Chairman of the Montana Medical Association Auxiliary representing nearly 800 physician spouses, it is my job to be involved with project that will improve the health and quality of life of the citizens of Montana. Our greatest efforts are in the area of preventive medicine. After one year of age the greatest cause of death is motor vehicle accidents until way pass middle age. Will you become involved in our efforts to prevent these needless deaths?

As the spouse of a physician, I have been aware of the efforts for cost containment in the health care field. Over the last three or four years most of the fat out of the costs. At the present time government and insurance companies are considering measures that will inevitability result in the rationing of health care. This is one area where we can reduce some medical costs by reducing injuries due to motor vehicles, so, we need to make the use of seat belt mandatory in the state of Montana.

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NAME: Carolyn Hamlin DATE: 2/4/87

ADDRESS: 1206 Reece Drive

PHONE: 245-7687

REPRESENTING WHOM? Montana Public Health Assoc.

APPEARING ON WHICH PROPOSAL: SB111

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: MPHA strongly supports SB111 as an
effective measure to save the lives of
Montanans. It is not only a humanistic mea-
sure to save lives, but cost-effective as the
costs of accidents are frequently passed
on to the tax-payers of Montana.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: HELEN BARBER DATE: 2/4/87

ADDRESS: Box 147 Big Timber, MT. 59011

PHONE: 932-4376

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: Require use of seatbelts (Sen. Hollibaugh)

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Any support, comment, financing that we are giving people can initiate how to be helpful. Education and awareness of statistics on this subject can make a real difference. Hopefully this bill will do what the sponsor intended.

The other side of the coin is, you can lead a horse to water, but you can't make him drink. When we deal with human nature, laws are some of the first requirements that are set aside and dealt with at a later date. In the case of the seat belt law a later date can be too late. I am interested to know who will enforce this consistently. We can't become a national jockey to put on bright colors to be able to see him while walking on the H/W.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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NAME: Roberta Datto

DATE: Feb. 4, 1987

ADDRESS: 2341 Benner Rd. Lot #7

PHONE: 458-5718

REPRESENTING WHOM? Self

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AVAILABLE

APPEARING ON WHICH PROPOSAL: SB111

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

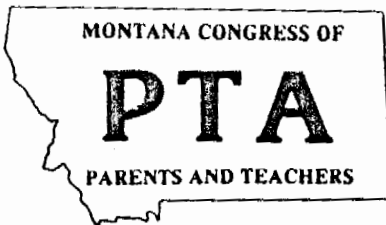
COMMENTS: I have very strong feelings against a mandatory seat belt law. I feel that it should be left up to the person to decide if they want to wear one not have to wear one.

I heard of a recent study done about the use of lap seat belts. The study showed that by wearing a lap seat only could be more damaging. By this they meant that the force of a sudden stop could fling a person forward then back and could rupture stomach muscles. They felt along with the lap belt a shoulder strap should also be used. The problem with this is that shoulder straps were not introduced into vehicles till later years. The cost to put this belts into a vehicle would run app. 200⁰⁰ per car. I drive a 1970 model car with no shoulder straps. I am

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

in a low income bracket. Are you going to give me the 200⁰⁰ to put belts into my car. All I want to get across is for myself I do not wear seat belts or believe in them for myself. I have a young son and I make sure he is restrained. Like I said before I believe that a person should be able to make up their own minds.

Thank you.



Seat Belts

EXHIBIT

DATE 2-4-87

BILL NO. SB111

January 26, 1987

Dear Chairman Eck and Members of the Senate Public Health, Welfare and Safety Committee:

The Montana Congress of Parents and Teachers Association consisting of nearly 9,000 members urges your support of SB111 - requiring the use of seat belts by occupants of a motor vehicle.

The Automobile Safety Foundation estimates there would have been 45 fewer fatalities and 1,000 fewer injuries in Montana if seat-belt use had been required in 1983, and a savings of \$23M. In 1985, 223 motorists dies on Montana highways and another 8,900 suffered serious injury at a cost of \$134M. This research shows there are considerable human and economic savings when motorists buckle up. If the majority of motor vehicle passengers buckled up regularly, the state of Montana could save 123 lives and \$74M annually. The economic savings include medical and health, law enforcement and property damage. Research also shows that if motorists are wearing a combined shoulder and lap-belt system, it is almost impossible to be killed under 30 mph. 80% of all accidents and serious injuries occur in urban areas, at speeds of less than 40 mph.

Please find enclosed a copy of the Resolution passed by the Montana PTA 1986 state Convention, entitled CHILD RESTRAINTS AND SAFETY BELTS.

As you know, Montana Legislature passed a Child Passenger Safety law that went into effect January 1, 1984. Several other states have similar mandatory seat-belt laws for children.

We believe it is time we support legislation that will protect their parents as well. Again, we ask your support in the passage of SB111.

We thank you for your sincere concern for the health, safety and welfare of Montana's children and their parents and all citizens of Montana.

Sincerely,

Helen J. Volden
Montana PTA Legislative Coordinator
103 Marion Pk Wy
Hamilton, MT 59840

Enclosure

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE
MONTANA STATE SENATE

February 9, 1987

The meeting of the Senate Public Health, Welfare and Safety committee was called to order by Chairman Dorothy Eck on February 9, 1987, at 1 P.M. in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present.

FURTHER CONSIDERATION OF SENATE BILL 111: Senator Norman explained the amendment to the bill, which he had requested. This amendment states that a police officer may not stop a driver for being in violation of the seat belt requirement (section 3), but may be stopped for another violation and then checked for seatbelts. Sen. Rassmussen stated that the original language intended for the bill was to have been like the amendment. Sen. Jacobson stated that it is done like this (like the amendment) in other states, but that it was the intention of the seat belt coalition to make it a primary offense to encourage people to comply with the law. Karen Renne stated that Sen. Halligan, sponsor of the bill, did not favor the amendment. Mona Jamison, lobbyist for the Seat Belt Coalition, stated that states that make the non-wearing of seatbelts a secondary offense find that the strength of the law is diluted and the benefits of saving lives and preventing injuries are lessened. The amendment received a DO PASS. See the attached roll call vote.

The amendments requested by the sponsor of the bill were discussed next. Sen. Jacobson explained that delaying the effective date allows for the opportunity to educate the public before the law takes effect and that this was done with the child restraint law and worked well. Mona Jamison stated that many senators had told Senator Halligan that \$25 was too high a fine and that \$20 was better. Senator Halligan felt the \$5-\$10 was too low.

Senator Williams moved the amendments. Senator Meyer proposed that the fine be amended to \$10, stating that the state charges only \$5 for exceeding 55mph. Senator Jacobson reminded the committee that the fine for violating the child seatbelt restraint law is \$25. Sen. Rassmussen commented that a \$10 fine guts the bill.

Sen. Williams questioned in Section III if the penalty is assessed just once against the driver or if it totals the number passengers not wearing seatbelts. Karen Renne clarified that just the driver is responsible for himself and all passengers and that just one fine is paid by the driver.

Senator Meyer's amendment was defeated with Senators Hims1, Norman, and Meyer voting yes, all others voting no. The second set of amendments were voted on and received a DO PASS, with Senator Meyer voting no.

The amendments from the Trial Lawyers Association were then discussed; and Karen renne noted that Sen. Halligan does not object. Sen. Jacobson stated that the same amendments were proposed for

the Child Restraint Law. They were not adopted and that has not been a problem. Senator Meyer moved the amendments, and they received a DO PASS. Senators voting for included Hager, Hims1, Vaughn, Meyer, Norman, and Eck. Senators voting against were Williams, Rassmussen, Jacobson, and McLane.

Karen Renne introduced an amendment to clarify the

Mona Jamison verified that the clarification is correct. Sen. Hager moved the amendment and it received an unanimous DO PASS.

Sen. Hager asked for the definition of a "designated seating position" as stated in P. 2, Line 4.

Karen Renne: If there are four seatbelts in a vehicle, then there are four designated seating positions. Other riders are not in violation.

Sen. Hims1: On P.2, Line 5, introduced an amendment to insert "outside the limits of incorporated cities and towns" after MT.

Sen. Williams: Injuries and accidents do occur in towns.

Sen. Jacobson: I agree, and particulatly with small children.

Sen. Hims1 moved the amendment. The amendment received a DO NOT PASS, with Sen. Hims1 voting in favor.

ACTION ON S.B. 111: Sen. Jacobson moved that S.B. 111 pass as amended. S.B. 111 PASSED AS AMENDED with Senators Norman and Hims1 voting against.

CONSIDERATION OF HOUSE BILL NO. 126: Rep. Hal Harper, District # 44, sponsor of the bill, testified that perhaps 45% of senior citizens are living below poverty level and have difficulty having access to the services available to them. This bill designates SRS as the lead agency in the state to coordinate gaps in services to senior citizens in Montana. The bill is supported by other agencies in the state. The bill is intended to be simple: there is no added monetary obligation, and it simply enables the state to better serve seniors and treat them with dignity.

PROPOSERS: Joe Upshaw, American Association of Retired Persons, testified that the state legislative committee of theAARP developed this bill to protect the indipendence and dignity of older Montanans. It is simple and involves little expense. Exhibit #1.

Gardner Cromwell, AARP, testified that the purpose of the legislation is to avoid a piecemeal approach to legislation on aging and provide a vehicle for availability of services to senior citizens in all areas of the state. Exhibit #2.

Elmer Hausken, AARP, testified that this act will encourage the state of Montana to better coordinate diverse services to senior citizens such as transportation, self care, education, and protective advocacy. Exhibit # 3.

Jennie Andriolo, Bozeman and Gallatin county Council on Aging,

ROLL CALL
Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-9-87

NAME	PRESENT	ABSENT	EXCUSED
<u>Dorothy Eck</u>	X		
<u>Bill Norman</u>	X		
<u>Bob Williams</u>	X		
<u>Darryl Meyer</u>	X		
<u>Eleanor Vaughn</u>	X		
<u>Tom Rasmussen</u>	X		
<u>Judy Jacobson</u>	X		
<u>Harry H. "Doc" McLane</u>	X		
<u>Matt Himsel</u>	X		
<u>Tom Hager</u>	X		

Each day attach to minutes.

CHILD RESTRAINTS AND SAFETY BELTS

Whereas, Automobile accidents rank as the number one killer andcrippler of children under the age of five; and

Whereas, Automobile crashes in the United States cause more than 50,000 deaths and four million injuries every year, many of which involve children; and

Whereas, There is unequivocal evidence that safety belts and child restraints could prevent about half of all such deaths and injuries; therefore be it

RESOLVED, That the Montana PTA through its local units disseminate information regarding child restraint and safety belt usage; and be further

RESOLVED, That the Montana PTA urge local units to promote child restraint and safety belt usage projects based on the National PTA project; and therefore be it further

RESOLVED, That Montana PTA support legislation for the mandatory use of seat belts for people of all ages.



BUCKLE UP FOR SAFETY!

by Blue Creek PTA

10/11/87 PTA 000 10/11/87

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-9-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsel	X		
Tom Hager	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 2-9-87 Bill No. 111 Time 1:10

NAME	YES	NO
Dorothy Eck		X
Bill Norman	X	
Bob Williams	X	
Darryl Meyer	X	
Eleanor Vaughn	X	
Tom Rasmussen		X
Judy Jacobson		X
Harry H. "Doc" McLane		X
Matt Himsl	X	
Tom Hager	X	

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: Senator Norman's amendment

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 2-9-87 Bill No. 111 Time 1:24

NAME	YES	NO
Dorothy Eck	X	
Bill Norman	X	
Bob Williams		X
Darryl Meyer	X	
Eleanor Vaughn	X	
Tom Rasmussen		X
Judy Jacobson		X
Harry H. "Doc" McLane		X
Matt Himsl	X	
Tom Hager	X	

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: Amendments by Trial Lawyers Assoc.

STANDING COMMITTEE REPORT

SB111

February 9, 1957

MR. PRESIDENT

Public Health, Welfare, and Safety

We, your committee on.....

Senate Bill

111

having had under consideration.....

No.

first

white

reading copy ()

color

REQUIRE USE OF SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE

Respectfully report as follows: That..... Senate Bill

No. 111

BE AMENDED AS FOLLOWS

1. Title, line 6.

Following: "PENALTY"

Insert: "EFFECTIVE JANUARY 1, 1958"

2. Page 2, following line 23.

Insert: "(4) The department or its agent may not require a driver who may be in violation of (section 3) to stop except upon reasonable cause to believe that he has violated another traffic regulation or that his vehicle is unsafe or not equipped as required by law."

3. Page 2, line 25.

Following: "a fine of"

Strike: "\$25"

Insert: "\$20"

4. Page 3, lines 10 and 11.

Following: "Evidence" on line 10

Insert: "not"

Following: "admissible" on line 10

Strike: remainder of line 10 through "negligence" on line

11

5. Page 3: following line 11

Strike: "sections 1 through 6"

Insert: "section 3"

DO PASS

DO NOT PASS

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CONTINUED

Chairman.

February 9,

19⁸⁷

6. Page 3, line 12.

Following: "is"

Insert: "not"

7. Page 3, line 14.

Following: "vehicle,"

• Strike: "but"

Insert: "and"

8. Page 3, following line 14.

Strike: " sections 1 through 6 "

Insert: " section 3 "

9. Page 3, line 15.

Following: "not"

Strike: "alone"

10. Page 3, following line 24.

Insert: "Section 9. Effective date. Section 4
is effective January 1, 1988."

AND AS AMENDED
DO PASS

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Senator Eck

40

STATUS SHEET

50th LEGISLATIVE SESSION

HUMAN SERVICES

COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURR IN AS AMENDE DATE
6	2/4/87	3/3/87								3/5/87	
17	2/18/87	3/3/87						3/5/87			
18	2/18/87	3/3/87								3/5/87	
31	2/4/87	2/17/87						2/17/87			
105	2/11/87	3/5/87						3/5/87			
111	2/11/87	3/19/87						3/21/87			
120	2/18/87	3/12/87						3/5/87			
170	2/18/87	3/12/87								3/24/87	
176	2/11/87	3/5/87								3/12/87	
185	2/18/87	3/12/87						3/12/87			
246	2/24/87	3/10/87								3/24/87	
252	2/24/87	3/10/87						3/17/87			
305	2/24/87	3/1/87						3/12/87			
353	3/3/87	3/17/87	3/12/87	Rereferred							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The meeting of the Human Services and Aging Committee was called to order by Chairman Budd Gould at 12:30 p.m. on March 19, 1987 in room 312 of the state capitol.

ROLL CALL: Rep Stratford was absent, all other members were present.

SENATE BILL 111

SEN MIKE HALLIGAN, Missoula, introduced SB 111 which states no driver may operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seat belt. He noted the legislation had been heavily amended in the Senate. He began with the definitional section on page two (2) which ties the definition of seat belt to the federal motor vehicle safety standards which made front seat belts mandatory in 1965 and rear seat belts mandatory in 1968. Sen Halligan then addressed the exemptions under the legislation, including a provision that if there are more people in the car than seat belts, the extra person would not have to be wearing a seat belt and the driver could not be cited. He noted a key provision of the bill was on page three (3), which says a driver cannot be stopped because he is not wearing a seat belt, and making this a secondary enforcement provision; not a primary enforcement penalty. The \$20.00 fine cannot be included as a moving violation for purposes of a drivers record. He said the effective date of the bill was October 1, 1987 while enforcement would not occur until January 1, 1988 to allow for an educational time period. In response to the those who question a mandatory state seat belt law, Sen Halligan noted that all legislation regulates the rights, privileges and duties of Montana citizens. He said the major cause of on the job deaths and injuries are car accidents, which is applicable to WCD, taxes and medicaid to cover the cost of those in accidents. He stated 25 other states have this legislation and over 10 foreign countries; and a 50% compliance rate would save 44 lives minimum and 1100 injuries with associated costs. He said this legislation is not meddling when social costs are so heavy. On a legal point, he noted four (4) people in Illinois took their case to the U.S. Supreme Court after being cited under a mandatory seat belt law and the court upheld the law.

PROPOSERS:

LARRY TOBIASON, president, Montana Automobile Association (MAA) and the Montana Safety Belt Coalition, read his prepared testimony (exhibit 1) in support of the legislation. He stated there was no question as to the effectiveness of seat belts in preventing death and injuries in automobile accidents, with car accident deaths the third (3) largest killer in the United States and the leading killer of young adults between the ages of 18 and 24. He noted that two (2) surveys were conducted which revealed that 69% of Montanans would favor a mandatory safety belt law, and 86% stated they felt that the law should be somewhat or very strictly enforced if enacted.

MICHAEL STEPHEN, executive director of the Montana Safety Belt Coalition, covered his prepared testimony (exhibit 2) of statistics in support of the proposed legislation describing the economic costs, the reduction in injuries, and the lives that could be saved by this legislation.

MONA JAMISON, representing Traffic Safety Now, discussed the relationship between individual freedoms and buckling up. She stated no relationship exists because individual freedoms are those things that we are born with in this country, while driving is not one of them. She stated there is no provision in either the state or federal constitution that says driving is a constitutional right, but rather it is a privilege. Ms Jamison stated there is no area dealing with cars and highways that government does not address, i.e. what side of the road to drive on, speed limits, stopping, etc. She stated that individual rights are impacted in a much greater manner by not buckling up versus taking the time to buckle up. She asked for consideration of those individual passengers who suffer catastrophic head injuries in car accidents and the impact on that individual's families, friends, and upon the driver. She concluded by stating that she did not feel that a mandatory seat belt law took anything away from anyone, and only required people to take two or three seconds when they get into their car to buckle up; possibly saving them from injury or death.

RODGER STEVENS, Montana Emergency Medical Services Association, urged support of this legislation on behalf of the association.

JOHN HARLAN, M.D., Montana College of Surgeons, related that the young man who provided the first heart transplant from Montana some months ago was thrown from his vehicle as he rounded a curve close to Canyon Ferry Lake, and the car rolled over on him, which he stated oftentimes happens. He noted what a waste of human life and a needless death this was.

COL ROBERT LANDON, chief administrator, Montana Highway Patrol, noted a habit of wearing seat belts needs to be

achieved. His stated in his experience, 85% of the people tend to follow the law and many who do not wear seat belts today would wear them if there was a law indicating that they should. Currently 87% of the auto fatality victims in the state are not wearing seat belts, and lives and injuries would be saved by the passage of this bill. He added another real concern he has is the pending increase of the speed limit. He said this bill will be needed to keep the fatality rate down because history has shown that in every case where speed is increased, the number of people killed also increases.

ROBERT SHEPARD, M.D., American Board of Family Practice, addressed what he calls the "miracle argument" where opponents testify that they were involved in a major accident and came out unscathed. He noted statistics and probability are involved in those scenarios, and that this legislation is talking about a statistical improvement. Dr Shepard made the observation that everyone claiming the right to drive without their seat belt should be questioned if they will also claim the right to forfeit their medicaid payments when they get a head injury and they require prolonged care. He said this bill will not increase costs i.e. enforcement, use, will actually generate a modest income from the fines, but most importantly, will save a substantial fraction of the \$900,000 in medicaid payments for those injured in auto accidents. He concluded by stating the only economic justification for defeating this bill is the forlorn hope that maybe we can kill enough people on the highways that we can solve the unemployment problem and the related economic issues.

ERV HEDEGAARD, Whitehall, presented an article from the July 24, 1985 issue of the Helena Independent Record (exhibit 3) relating the auto accident and death of Karen and Dale Neumann, his daughter and son-in-law. He noted that they were back seat passengers in car where the driver and front seat passenger were wearing their seat belts, and who walked away from the accident. He shared a note he and his wife had sent to those who had shown kindness to the family during the funeral (exhibit 4) asking them to make the commitment to always fasten their seat belts to save them from the heartache they had experienced.

MAGGIE BULLOCK, administrator, Rehabilitative Services Division/Visual Services Division, SRS, representing these two (2) programs and the Medicaid Program, emphasized the price being paid by the state of Montana when individuals survive these accidents. She stated the medicaid budget only deals with the medical expenses associated with these cases, and refers to people who have finally been stabilized after possibly \$50,000 has been spent to try to get them to the point where they can have some kind of training and maybe can, once again, become contributing members of

2

society versus being admitted into nursing homes. Mrs Bullock stated that in reference to rehabilitation and buying training services for a head injured person, the cost is \$10,000 to \$20,000 for a five (5) to six (6) month period, at which time, due to the injury and the nature of the symptoms, there is no guarantee that the individual can be rehabilitated. She noted that typically the person will always require rehabilitation so that they can meaningfully contribute to society. She heartily recommended a do pass recommendation on this legislation.

AL GOKE, administrator, Highway Traffic Safety Division, Department of Justice, referred to exhibit 5 which contains graphs and statistics in support of the legislation, including the anticipated usage rate, lives saved, injuries prevented, and the dollars saved by the implementation of seat belt usage.

WILETTA PAGENT, Columbia Falls, and a seat belt survivor, related how on May 13, 1984 she was driving her parents car late at night and was involved in an auto accident when a drunk driver collided with her car. She expressed how grateful she was that she was wearing her safety belt. She said that a highway patrolman had informed her that if she had not been wearing her belt that when her driver door was ripped off she would have been crushed between the two vehicles as her car spun around. She asked for support of this legislation.

LAURA ENGBRETSON, president of the Montana Extension Homemakers, expressed the organizations support of the legislation. She referred to the legislation as a responsible solution to an otherwise losing proposition.

ALAN CAIN, president, Montana Blue Cross/Blue Shield, noted the cost of medical care in the U.S. has reached crisis proportions with the cost of medical care in 1986, according to available figures, close to \$500 billion. He also stated any effort that would make a dent in those costs would help the people who buy insurance coverage and help keep coverage more affordable. He said the cost of a major trauma case runs routinely from \$150,000 to \$400,000. He closed by stating this legislation gives an incentive for individuals to wear their seat belts, and urged a do pass recommendation.

ROLAND FISHER, vice president, Montana Hospital Association, referred to the last section of the declaration of rights to the Montana constitution, specifically section 3 article 2 which states "...in enjoying these rights we have corresponding responsibilities", and asked for help in carrying out these responsibilities by passage of this legislation (exhibit 6).

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JOSH LAMSON and HEATHER TIPPY, Jefferson School, read their prepared texts in support of the legislation (exhibit 7).

MELISSA MARTINKA, Jefferson School read her prepared text in support of the legislation (exhibit 8).

OPPONENTS

REP PAUL PISTORIA, read exhibit 9, which was sent to him by Michael Schmauch in opposition to the legislation and which he said reflected his sentiments of how a mandatory seat belt law infringed on his rights. He stated he doesn't want someone to tell him what to do.

TYLER HOLLOW, Jefferson School, read his prepared statement in opposition to the legislation (exhibit 10).

JOE BRAND, spoke in opposition to the legislation and stated he supported national seat belt legislation and other types of safety devices to prevent injuries.

VERA KAHUNE, Missoula County Freeholders Association, stated the organization has nothing against seat belts, but asked for the freedom of choice in choosing to wear seat belts.

HARLAN CALWELL, opposed this legislation as an invasion of privacy, and stated that laws for the protection of an individual from himself was foolish.

SEN HALLIGAN then closed testimony on Senate Bill 111. He noted that in enjoying unalienable rights we have corresponding responsibilities, and that no right is absolute, the responsibilities were always there. He stated that we are a free society, and part of that freedom means that we are hopefully also a civilized society able to make rational choices on the best facts you can find. He concluded by stating that all statistics show a dramatic reduction in fatalities and injuries with the use of seat belts. He asked the committee to consider the cost savings for lives, businesses, individuals, families, medical expenses and legal expenses.

In response to an inquiry from Rep Cody, Mr Goke stated incentive programs being used to promote seat belts have been conducted in the most populous counties in the state, with the funding for those efforts from section 402 of the Highway Safety Act since 1967.

In response to an inquiry from Rep Grinde, Mr Tobiason stated he did not have a copy of the report from Howard and Associates stating that if two-thirds of the states met the mandatory mandate by Secretary Dole manufacturers would not be required to install automatic passive restraints. He

stated that of the 26 stated that have approved mandatory seat belt laws, very few meet the standards.

Dr Shepard, in answering an inquiry from Rep Nelson on internal injuries from seat belts, stated he did not have actual statistics on this issue, but noted that the vast majority are repairable whereas brain and spinal cord injuries are not, and therefore some injuries become a trade off. He stated secondly, there are some circumstances where no one will survive. In addressing opposition to the legislation, he noted the study referred to in opposition of the bill consisted of a total of 26 accidents with unequal severity ratings, and that the study was poorly done, terribly incorrect, and which led to many misconceptions. He stated that the American College of Obstetrics and Gynecology recommends that even pregnant women wear a lap belt. He concluded by stating that seat belt injuries can be reduced with proper seat belt use, which he demonstrated.

In response to an inquiry from Rep Hansen, Sen Halligan noted that seat belts have been mandatory in semi trucks since the 1960's.

In answering a question from Rep Russell, Mr Steven stated anytime there is a reduction in fatalities and injuries there is a corresponding lapse in time between premium increase or alterations because the insurance companies are paying out less. He explained that the medical costs for an individual passenger not wearing a seat belt is four (4) times more than a passenger who is wearing a seat belt. He stated that with this in mind, there is a savings to insurance premiums.

The meeting was adjourned at 2:27 p.m.



Budd Gould, Chairman

bg/gmc/hs3.19

1 <

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 19, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	X		
REP. BOB GILBERT, VICE CHAIRMAN	X		
REP. JAN BROWN	X		
REP DUANE COMPTON	X		
REP. DOROTHY CODY	X		
REP. DICK CORNE'	X		
REP. LARRY GRINDE	X		
REP. STELLA JEAN HANSEN	X		
REP. LES KITSELMAN	X		
REP. LLOYD MC CORMICK	X		
REP. RICHARD NELSON	X		
REP. JOHN PATTERSON	X		
REP. ANGELA RUSSELL	X		
REP. JACK SANDS	X		
REP. BRUCE SIMON	X		
REP. CAROLYN SQUIRES	X		
REP. TONIA STRATFORD		X	
REP. BILL STRIZICH	X		

Montana Automobile Association

EXHIBIT #1
DATE 3-19-77
SB 111



STATE HEADQUARTERS OFFICES: P.O. BOX 4129
607 N. LAMBORN / HELENA, MONTANA 59604
PHONE 442-5920

TESTIMONY IN FAVOR OF S.B. 111, MANDATORY SEAT BELT USE

MY NAME IS LARRY TOBIASON PRESIDENT OF THE MONTANA SAFETY
BELT COALITION AND PRESIDENT OF THE MONTANA AUTOMOBILE ASSOCIATION.

THERE IS NO QUESTION THAT THE USE OF SAFETY BELTS BY VEHICLE
OCCUPANTS IS THE SINGLE MOST EFFECTIVE PROTECTION AGAINST
DEATH AND INJURY IN AN AUTOMOBILE ACCIDENT. TRAFFIC ACCIDENT
DEATH IS THE THIRD LARGEST KILLER IN THE UNITED STATES AFTER
CANCER AND HEART DISEASE, THE LEADING KILLER OF YOUNG ADULTS
AGE 15 TO 24. IF IT WAS TERMED A DISEASE, YOU COULD SAY IT
HAS REACHED EPIDEMIC PROPORTIONS. IN 1984 ALONE, TRAFFIC
ACCIDENTS CAUSED MORE THAN 300,000 SERIOUS INJURIES AND 20,000
FRONT-SEAT OCCUPANT FATALITIES. IN 1985, 17,938 ACCIDENTS
WERE REPORTED IN MONTANA. OF THESE 8,702 WERE SERIOUS INJURIES
AND 223 WERE FATAL. MOST OF THESE COULD HAVE BEEN REDUCED
TO A SIMPLE SCENARIO OF RETURNING TO WORK, FOR EXAMPLE, WITH
NOTHING MORE THAN A BRUISE - INSTEAD OF FACING MONTHS OF REHABIL-
ITATION TREATMENT FROM SUSTAINING AN IMPACT WITH THE WINDSHIELD,
OR EVEN DEATH.

COUNTLESS STUDIES HAVE BEEN CONDUCTED THAT SHOW USE OF THE
SEAT BELT CAN AND DOES SAVE LIVES AND REDUCES THE ECONOMIC
IMPACT ON OUR SOCIETY. TO GIVE YOU A REAL IDEA OF WHAT KIND

BRANCH
OFFICES:

BILLINGS
3220 4TH AVE. NO.
P.O. BOX 2076 (59103)
248-7758

GREAT FALLS
1711 10TH AVE. SO. (59405)
727-2900

MISSOULA
275 W. MAIN (59602)
549-5161

KALISPELL
116 FIRST AVE. W. (59901)
PLAZA WEST 2
755-5511

BOZEMAN
825 NORTH 7TH AVE. (59715)
PHONE 566-6156

OF AN IMPACT SAFETY BELT USE WOULD HAVE ON OUR OWN STATE
IF 80% OF MONTANAN'S USED SAFETY BELTS REGULARLY, 70 LIVES
WOULD BE SAVED, 1,120 INJURIES WOULD BE PREVENTED AND \$56
MILLION WOULD BE SAVED FROM LOSS OF EMPLOYMENT, REHABILITATION
COSTS, PROPERTY DAMAGE, LAW ENFORCEMENT AND INSURANCE SAVINGS.

THE UNIVERSITY OF COLORADO MEDICAL SCHOOL IDENTIFIED 256 CAR
AND PICK-UP CRASHES WHERE ONE FRONT SEAT OCCUPANT WAS WEARING
A SAFETY BELT, WHILE A COMPANION IN THE OTHER FRONT SEAT WAS
NOT. THE RESULTS SHOWED THAT THE UNBUCKLED OCCUPANT:

- . WAS FIVE TIMES AS LIKELY TO DIE;
- . WAS THREE TIMES AS LIKELY TO BE INJURED;
- . AND PAID FOUR TIMES MORE FOR MEDICAL CARE.

IT SEEMS IRONIC THAT NOT TOO LONG AGO, I SAW NEWSPAPER ARTICLES
WHERE A BUTTE MAN WAS KILLED IN AN ACCIDENT BECAUSE HE WAS
EJECTED FROM HIS AUTOMOBILE AND IT ROLLED OVER HIM. JUST
OUT - SIDE OF DILLON, THE MOTHER OF TWO SMALL CHILDREN WAS
KILLED IN A VEHICLE ACCIDENT BECAUSE SHE WAS NOT WEARING HER
SEAT BELT, BUT HER CHILDREN WERE SAVED AS THEY WERE SECURED
IN A CHILD RESTRAINT. NUMEROUS ARTICLES APPEAR EVERY DAY
ACROSS THIS NATION GIVING TESTIMONY OF THE BENEFITS DERIVED
FROM THE SAFETY BELT USEAGE. TODAY YOU WILL HEAR FROM AT
LEAST TWO SURVIVORS AS TO HOW SAFETY BELTS SAVED THEIR LIVES.
A HIGHWAY PATROLMAN TOLD ME RECENTLY, "HE NEVER UN-BUCKLED
A DEAD PERSON FROM AN AUTOMOBILE ACCIDENT".

IN TALKING WITH MANY LEGISLATORS, I HEAR A SIMILAR STATEMENT,
MY CONSTITUENTS DON'T WANT THIS LEGISLATION. THAT COULDN'T
BE FARTHER FROM THE TRUTH. THE MONTANA SAFETY BELT COALITION
COMMISSIONED R.A. HOWARD & ASSOCIATES OF HELENA TO CONDUCT
A SURVEY AND ATTITUDE RESEARCH OF MONTANA CITIZENS ON THIS
PARTICULAR ISSUE. ONE SURVEY WAS COMPLETED IN MAY OF 1986,
AND THE SAME SURVEY WAS CONDUCTED IN DECEMBER OF 1986, JUST
SIX WEEKS AGO. SIGNIFICANT FINDINGS FROM THE TWO SURVEYS
WERE JUST ABOUT THE SAME. 69% OF MONTANAN'S WOULD FAVOR A
MANDATORY SAFETY BELT LAW, WITH MORE THAN HALF OF THOSE STRONGLY
FAVORING SUCH A LAW. THE USE OF SAFETY BELTS WOULD INCREASE
TO 83% IF THERE WERE A MANDATORY SAFETY BELT LAW IN MONTANA.
IF MONTANA PASSED A MANDATORY SAFETY BELT LAW, A VAST MAJORITY,
86% FEEL THAT THE LAW SHOULD BE SOMEWHAT OR VERY STRICTLY
ENFORCED. SO YOU CAN CLEARLY SEE, THE PEOPLE OF MONTANA,
YOU CONSTITUENTS WANT AND DESERVE SAFETY BELT LEGISLATION.
PLEASE LOOK FAVORABLY UPON THIS LEGISLATION AND GIVE S.B.
111 A DO PASS RECOMMENDATION.

SAFETY BELT INFORMATION

PHEN

The 1987 Montana legislature has an unprecedented opportunity to save lives, reduce injuries, and lower economic costs for the citizens of Montana during this regular legislative session.

Because seat belts have been standard equipment in U.S. passenger vehicles since 1964, all we have to do is use them, regularly.

In 1985, there were 17,938 accidents reported in Montana. Of these, there were:

223 fatalities
8,702 injuries
\$134 million economic loss
(health, medical, dental, property
damage, law enforcement, etc.)

Currently, only 29.5% of Montanans wear their seat belts regularly.*

<u>Interstate</u>	<u>Primary</u>	<u>City</u>	<u>Secondary & Other</u>	<u>All Roads</u>
43.0%	34.0	15.0	18.0	29.5

IT HAS BEEN SHOWN ACROSS THE NATION THAT VOLUNTARY SAFETY BELT USE WILL NOT EXCEED 35 TO 40%. LEGISLATION WILL PROVIDE THE STIMULUS FOR INCREASED USE AND ASSIST IN ATTAINING A GREATER LEVEL (70 - 80%) OF USE.

THE BOTTOM LINE---THE COST BENEFIT OF SAFETY BELT USE IS TREMENDOUS

If at least 50% of Montanans buckle up, we could benefit annually.

SAVE 44 LIVES
PREVENT 700 INJURIES
SAVE \$35 MILLION (HEALTH, MEDICAL,
DENTAL, PROPERTY DAMAGE, LAW
ENFORCEMENT, ETC.)

*Source: Montana Department of Justice
Highway Traffic Safety Division

SAFETY BELTS ASSIST OCCUPANTS IN EIGHT WAYS

1. There is a "ride down benefit," in which the belt begins to stop the wearer as the car is stopping.
2. The belt spreads the stopping force widely across the strong parts of the body.
3. The belt keeps the head and face of the wearer from striking objects like the wheel rim, windshield, interior post, or dashboard.
4. Belts prevent vehicle occupants from colliding with each other.
5. Provide a predictable location for the occupant after the crash.
6. Occupant has the best chance of remaining conscious after the crash to react to the situation.
7. Belts help the driver to maintain vehicle control, thus decreasing the possibility of an additional collision.
8. Seat belts hold the occupant in their station to take advantage of airbags, if installed.

ALTHOUGH THERE WERE
SOME ERRORS, THIS WAS
A BEAUTIFUL TRIBUTE TO
KAREN & DALE. THIS ARTICLE
APPEARED ON THE FRONT
PAGE OF THE HELENA
INDEPENDENT RECORD THE
MORNING OF THE FUNERAL.

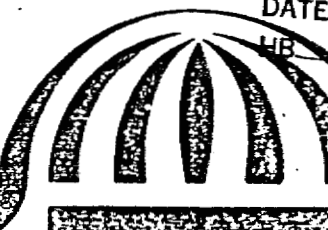
Em & Judi

INDEPENDENT RECORD

July 24, 1985
Helena, Montana
Vol. 41 No. 245
Single copy 35c

WEDNESDAY
AFTERNOON

DATE
HB



Town buries dream couple

26 SATURDAY PLUS 1 MONTH

It was a dream match made in Whitehall. Perhaps in heaven, too.

Dale E. Neumann was the high school salutatorian and captain of the football team who went on to become the tiny town's first West Point graduate.

HEDEGAARD
Karen Hildegaard was the head of Whitehall High's honor society and captain of the girl's basketball team who went on to a successful career in fashion merchandising.

JUNE
They were married on June 19, 1983 — an extremely bright, attractive and likeable couple, the dream of Whitehall's crop.

On July 19, 1985 — last Friday, their second wedding anniversary — Dale, 24, and Karen, 22, were killed together in a car wreck in Fort Polk, La.

Many Whitehall businesses closed today during funeral services for the couple whose bright future was so abruptly cut short.

Dale, who graduated from Whitehall High in 1979, and Karen, who graduated two years later, were special people. They were leaders on the field and in the classroom.

He had become a first lieutenant in the Army, which had stationed him at Fort Polk, the scene

of the accident. She had graduated with a merchandising degree from New York City's Fashion Institute and was the assistant manager of a department store in Leesville, La., near the fort.

Dan Reum, the high school's athletic director and Dale's coach when he was in grade school, called him "a first-rate player and a great guy."

"They were both just real positive people," he said. "They always took a real positive approach to life and added what they could to it."

After services in St. Teresa Catholic Church this morning, they were buried in the Whitehall Cemetery with a military honor guard and many of the town's 1,100 people attending.



Karen and Dale Neumann had many Whitehall hopes resting on their future.

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EXHIBIT

#4

DATE

3-19-87

FILE

SB 111

"IS THERE ANYTHING WE CAN DO?"

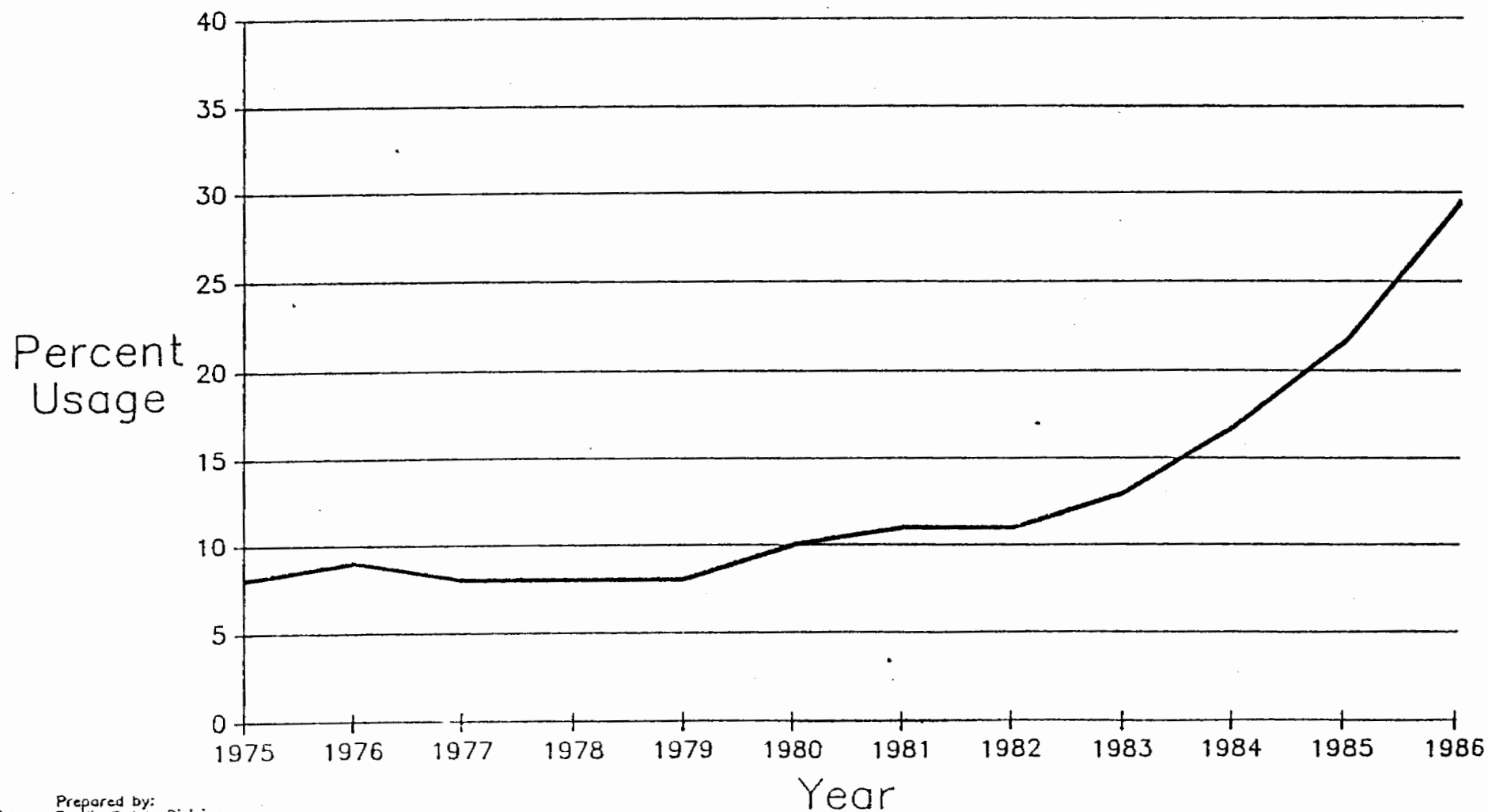
During this past week, many wonderful people have asked us this question. After much thought, Judi and I have concluded that each of you could do one thing that would be appreciated above all else. We ask that each of you make a commitment today to always fasten your seat belts while in a moving vehicle, and make sure that all the passengers are "buckled up" before the car moves.

We love you and want to save you and your loved ones the heartache we have experienced. Please do this one thing for us.

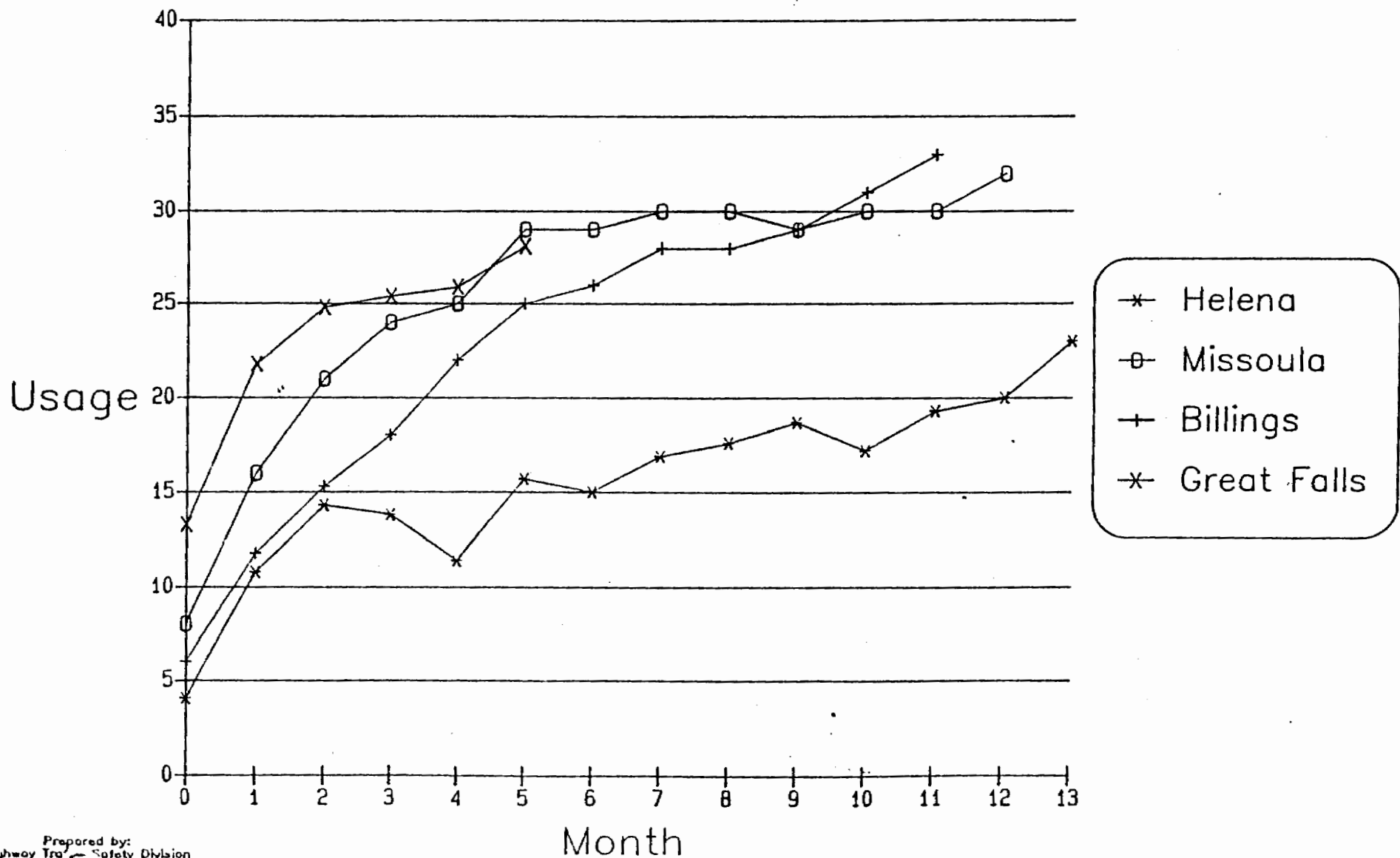
Love,

Erin & Judi
The Hedegaard Family

Montana Seat Belt Usage



Seat Belt Incentive Programs



ESTIMATED MONTANA BENEFITS OF A SAFETY BELT USE LAW

A. If Law Covers All Passengers (Front & Rear Seats) in All Cars & Trucks

<u>Anticipated Usage Rate</u>	<u>Lives Saved</u>	<u>Injuries Prevented</u>	<u>Dollars Saved</u>
100%	87	1400	\$70 Million
80%	70	1120	\$56 Million
50%	44	700	\$35 Million
40%	35	560	\$28 Million
Current Level			
30%	26	420	\$21 Million

B. If Law Covers Only Passenger Cars (Front Seat Passengers Only)

<u>Anticipated Usage Rate</u>	<u>Lives Saved</u>	<u>Injuries Prevented</u>	<u>Dollars Saved</u>
100%	37	854	\$32 Million
80%	30	683	\$25 Million
50%	19	427	\$16 Million
40%	15	342	\$13 Million

Prepared by the Montana
Highway Traffic Safety Division
Department of Justice



Montana Hospital Association

(406) 442-1911 • P.O. BOX 5119 • HELENA, MONTANA 59604

3/19/87

RE: SB 111
House Human Services and Aging Committee

Mr. Chairman, ladies and gentlemen of the committee I am Roland Fisher, Vice President of the Montana Hospital Association. The MHA is supported by 55 member hospitals in our state and on behalf of this membership the following testimony is given of Senate Bill 111.

An unfortunate fact is the automobile accidents will continue to occur, in Montana as in other states, in varying forms of severity. We see SB 111 as a way to control a portion of the pain and suffering associated with auto accidents and also as a means to reducing the devastating costs incurred by crash victims, their families and society.

In 1985 the Montana Highway Traffic Safety Division reported 8702 auto accidents that caused injury to the occupants. The degree of severity of these injuries is unknown and one must assume there were incidents where minor and major financial costs involved. If we consider the average charge per patient stay in Montana's hospital of \$2,922 (*) and this multiplied by the number of accident producing crashes we find where emergency and rehabilitation costs in hospitals alone could exceed \$24 million dollars. If only a fraction of this amount is saved by reducing accident severities thru the use of safety belts then S. Bill 111 truly deserves your support. I encourage your consideration.

(*) Average charge per stay in Montana (\$2,922) developed by the Independent Survey by the Equitable (HCA) Corporation. In this survey Montana ranks 44th among the 50 states in average charge per stay.

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Good afternoon Chairman Gould and members of the committee. My name is Josh Lamson and I am testifying on behalf of Senate Bill 111. I am supporting this bill because of the lives and tax dollars that could be saved, simply by putting on a seat belt.

Take for example a woman named Jenna Snyder. She was given a new chance at life because she buckled up. Jenna is now pursuing a career in journalism.

Also, taxpayers money could be saved by not having to pay ^{as much} money through Medicare. I know that my parents could not easily pay a surgical bill for someone they don't even know. Could you?

So help save lives and lower taxes. Vote for Senate Bill 111. Thank You.

Chairperson Gould and Members of Committee

Good afternoon. I am Heather Tippa from Jefferson school.

I am not here to talk about my health. I am here to talk about everyone's health concerning the seat belt law (SB 111). I really hope it passes because it does ~~save~~ save about 60% of the people involved in car accidents. I'm not saying it will save everyone's life. For example my Mother had a brother and he was driving on a two lane road. He got on the wrong side and was hit by a semi truck. He was killed instantly. He wasn't wearing a seat belt. It might not have saved his life, but you never know. Anyway, I hope you are for the bill and if you aren't I hope you change your mind.

Please Show you care
by the belt I hope you wear,
Thank-You for your time

8
DATE 3/19/89
SB111

Chairperson Gould and Members
of the Committee,

I am Melissa Martin, a third
grader from Jefferson School in
Helen.

I think you should vote for SB111
because seatbelts save many lives.
Seatbelts save insurance money with
smaller rates. A frame car is so old
that it does not have seatbelts. I
think that person should have
seatbelts installed. If you have an
accident and are wearing a seatbelt
it could prevent you from getting
injured.

Please vote for SB111.

I thank you.

BEST COPY
AVAILABLE

DATE 3-13-87
HB SB # 111

Recd - Sat - Feb. 21, 1987
A.B. 111
Seat Belts

Feb. 13, 1987

RE: SB111 (Seat Belts)

Dear Representative:

Pistoria

I am a firm believer in seat belts and feel that everyone should wear them. I feel however, that there is a question of Government forcing individuals to buckle up and I think that the people supporting the bill are focusing on injuries and lives being saved by using seat belts. I feel we should focus on the cause of the accidents. Why do people have automobile accidents:

- 1) Running late so they run a red light or stop sign.
- 2) Changing channels on their radio or reaching for something in the car and they drive off the road.
- 3) Fell asleep at the wheel because of being too tired to drive.
- 4) Under the influence of alcohol/drugs.
- 5) Speeding or driving recklessly.
- 6) Driving too fast for winter road conditions.

These are just a few reasons why people are injured or killed. I find it difficult to justify a \$5.00 ticket on the Interstate at 80 m.p.h. and a \$20.00 ticket for not wearing a seat belt.

We need to change the day speed violation and also increase the penalties on some of the other more serious traffic violations.

Sincerely,

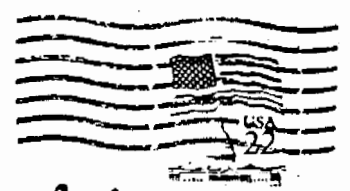
Michael Schmauch

Michael Schmauch
705 34th Ave. N.E.
Great Falls, Mt. 59404

BEST COPY
AVAILABLE

705 34th Ave NE
Great Falls, Mt.
59404

Michael Schmauch
not Seat Belts



But, instead Rep. Paul Pistoria
Stop Accidents
against 500 fine
at 80 MPH speed
Helena, Mt.
State Capital
Helena, Mt.

Recd - Sat - Feb. 21, 1987

A-SB-111

82



Montana Nurses' Association

715 Getchell

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

SB111

Representative Gould, members of the Committee.

My name is Barbara Booher, I'm the Executive Director of the Montana Nurses' Association, representing over 1400 registered nurses from across the state of Montana. I am here to speak in favor of SB111, requiring seat belts to be worn by occupants of motor vehicles.

Nurses are very concerned about health and safety issues, especially in regard to children. Many of our members serve in emergency rooms of hospitals and have to deal with victims of automobile accidents. Because of our experience in providing nursing care for these victims, and because of the overwhelming evidence supporting mandatory seat belt laws as a way to reduce injuries to accident victims, we support this bill.

We feel safety belts and child restraint seats go a long way in preventing unnecessary injury and death due to motor vehicle accidents. The Montana Nurses' Association strongly supports passage of SB111.

Respectfully Submitted,

Barbara E. Booher
Executive Director

SENATE BILL 111

Testimony Of William Lloyd Linden
President, Linden's, Inc.
Owner Of
Linden's Herrmann & Company Funeral Home
Former Owner
Of
Linden Ambulance Service

Before the House Human Services Committee
March 19, 1987

Chairman and members of the Committee, for the record, I am William Lloyd Linden from Helena, Montana. I am President of Linden's, Inc. We own and operate Linden's Herrmann & Company Funeral Home and owned and operated Linden Ambulance Service here in Helena for 13 years until we sold the ambulance service to Saint Peter's Hospital in December of 1984. I am a licensed mortician and was an Emergency Medical Technician for many of the years that we owned the ambulance service. I am also a member of the Montana Seat Belt Coalition.

It has been my experience, both in the funeral home, and even more so in my years as an EMT, that the use of seatbelts does save lives and lessens the seriousness of injuries in motor vehicle accidents. In accidents that we responded to throughout the years, I saw needless deaths and serious injuries where seat belts were not used, particularly in the case of the young and the elderly victims.

Furthermore, it is a fact, that there is a high rate of "burnout" among ambulance personnel and funeral home personnel. It is my belief that a portion of this "burnout" is a result of seeing a senseless waste of lives, unnecessary injuries, pain and suffering.

82

Because of what I have seen and experienced in both of my businesses, I am a firm believer in the use of seatbelts; and, my entire family wears them at all times (even though it is a constant battle to see to it that my ten-year-old Son wears his).

In closing, I would like to say that if Senate Bill 111 does pass, perhaps even those who argue against it will find that wearing seatbelts is not so difficult or restrictive. They might even be one of the fortunate motor vehicle accident victims whose life is saved by the use of a seatbelt.

If you do not vote "YES" in support of passing Senate Bill 111, at least wear your seatbelt. If you do vote "YES" in support of Senate Bill 111, wear your seat belt, please. And, please, I urge you to give Senate Bill 111 a DO PASS recommendation. Thank you for your time and consideration.

CR

317987
2 SB111

TO: MEMBERS OF THE HOUSE HUMAN SERVICES AND AGING COMMITTEE

FROM: LEE TOLSTEDT; MANAGER OF INFANT RESTRAINT PROGRAM
FOR ST. PETER'S COMMUNITY HOSPITAL ASSOCIATION, HEALTH
PROJECTS CHAIRMAN, FOR MONTANA MEDICAL ASSOCIATION
AUXILIARY.

I want to thank you for this opportunity to appear before this committee and give you my views in support of Senate Bill 111. You have heard the testimony on the extent of the problem with deaths and injury on our highway. It comes with a great deal of grief and pain to the individuals and families involved in motor vehicles accidents, in addition, we have the huge cost to our citizens for medical expenses, lost wages, higher insurance costs, higher taxes for police to investigate these accidents and legal costs involved during litigation and costs for long term medical care and rehabilitation of injured persons. I believe that the estimated \$56,000,000 that would be saved if you passed SENATE BILL 111 and cannot be ignored by anyone in this legislature.

In my work with the infant restraint program, I always remind the parents that they don't do their children a favor by buckling the child up and then neglect to buckle themselves up. To illustrate I'd like to use the example of the young mother from Dillon who received two citations for not having her children restrained. A short time later she was involved in a one vehicle rollover which was fatal to her, but her children who were restrained escaped unharmed. If this young mother had been able to be cited for not being seatbelted, perhaps she would be alive today and this young family would not have lost the person who historically does the nurturing of young children, and undoubtedly caused an economic burden on the family. If the legislature had seen fit to pass a MANDATORY SEAT BELT LAW last session, perhaps, this story would have had a different outcome.

At this time I want to speak to you about the only argument that I hear in opposition to the MANDATORY SEAT BELT LAW, that being it will interfere with a person's RIGHTS. First, in that regard, I believe that the right to operate a motor vehicle on our county, state, and federal highways in a manner that is safe and prudent to yourself and others is a PRIVILEGE that is granted and to be regulated by this body. When I note all the regulations that go along with our use of public roadways, I think you believe it also.

The Laws of Physics that come into play when we are involved in an automobile accident have been in force since the birth of planet earth and eons before there were human beings on this earth or a BILL OF RIGHTS. I think we ought to have more respect for the forces that are developed when a motor vehicle meets an immovable object. Just because we as humans fail to learn or

chose to ignore doesn't mean they don't exist and don't need to be protected from those Laws of Physics.

Many of you proudly trace your heritage to independent self-reliant Montana pioneers, whose only worry on the byways was a occasional runaway horse and buggy and their personal freedoms were great because they were few in number and out of contact most of the time with their neighbors. After a century of statehood our society has become much more complicated and restrictive because of necessity. Lo and behold many of those pioneer descendants went off to learn how to harness those Laws of Physics to design highways and motor vehicles that have become very efficient death machines. In rural areas today I'll wager a bet that the majority of the miles you travel on public roadways are on hard surfaced roads where highways speeds of 55 mph and above are common. When you review the statistics that 50% of us will likely be involved in a serious accident sometime during our lifetime, I don't see how you can fail to support Senate Bill 111.

As Health Projects Chairman of the Montana Medical Association Auxiliary representing nearly 800 physician spouses, it is my job to be involved with projects that will improve the health and quality of life of the citizens of Montana. Our greatest efforts are in the area of preventive medicine. From one year of age to 34 the greatest cause of death is motor vehicle accidents. Our spouses and other hospital personnel who have to deal with these personal tragedies on a daily basis and their only cry is "What a tragedy ! or What a Waste!" Won't you join us in support of this measure that will reduce the deaths and injury to the citizens of Montana.

As the spouse of a physician, I have been aware of the efforts for cost containment in the health care field. This is one area that we can prevent the escalation of insurance and medical care costs from injuries and death due to motor vehicle so, I appeal to you as our representatives in the House to support Senate Bill 111 to make the use of seat belt mandatory in the state of Montana.

Thank you.

WITNESS STATEMENT

Date: 3/19/87

Name DAVID LACKMANCommittee On House Human ServicesAddress 1400 Winne Ave. , Helena, MT 59601Date March 19, 1987Representing American Public Health Assn.Support XXXXXX YESRepresenting Montana Public Health Assn.Bill No. SB 111 Require use of seatbelts by occupants

Oppose _____

of a motor vehicle Thurs. 12:30 P.M.

Amend _____

Recom 325.

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

- Our associations strongly support this bill. My instructions are contained in the preamble to an Action Resolution: WHEREAS: Motor vehicle crashes are the fourth leading cause of death in the U.S., the leading cause of death in the 5-34 age group, ranked third behind cancer and heart disease as the leading cause of death in the 34-44 age group, more costly to society than heart disease or stroke, and accountable annually for an estimated 11 million days of lost work time; and WHEREAS: The technology for greatly reducing the risk of death and injury from automobile crashes already exists in the form of effective occupant-protection devices like safety belts- Therefore, I have been instructed to do everything possible to insure enactment of this legislation.

- As in previous testimony, I now refer you to the last annual report of the Montana Highway Patrol - truly a serious indictment of our behaviour on the highways of the state. Only 29.5% of Montanans consistently use seat belts.

Fatal injury: Seat belt used : 17

Seat belt not used: 128

Incapacitating injury: Seat belt used 188

Seat belt not used: 1313

4. In those cases where a seat belt was used; the injury often occurs when an unprotected head impacts a hard object. That is an argument for shoulder restraints and air bags.

My first experience with restraints in vehicles occurred during WWII. At Camp Hood, I was often involved in analysis of accidents. The use of restraints in Jeeps resulted in quite a reduction in injuries; and the use of belts in Tank Destroyers was mandatory.

When are you going to attempt to regiment us with laws & regulations? When education fails, and your behaviour affects the lives of others deleteriously, we in public health will continue this path.

Mention should also be made of the effect of accidents on the cost of medical care. They have a considerable impact on the Medicaid budget- which is already out of control.

We wholeheartedly support the Montana Safety Belt Coalition; their data and conclusions. We urge enactment of SB 111.

THANK YOU

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

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SB 111

American College of Surgeons

FOUNDED BY SURGEONS OF THE UNITED STATES AND CANADA, 1913

STATE COMMITTEES ON TRAUMA

STUART A. REYNOLDS, M.D., F.A.C.S.
Chairman, Montana Committee
120 Thirteenth Street
Havre, Montana 59501
(406) 265-4333

March 10, 1987

Representative Budd Gould
Capital Station
Helena, MT 59620

Dear Representative Gould:

I have received information that Senate Bill No. 111, regarding mandatory seat belt use, has been referred to your Committee from the Senate. I believe I have information that would be of use to you in deliberations regarding this bill.

By way of introduction, I am a practicing surgeon in a rural area and am Chairman of the Montana Committee on Trauma for the American College of Surgeons. I am also a member of the Central Committee for the American College of Surgeons, hopefully representing the interest of rural trauma care.

The Montana Committee on Trauma is comprised of eight physicians, from Montana, who are either surgeons or non-surgeons and who have a special interest in the management of the acutely injured. This Committee, along with other physicians who are instructors, has carried on a program of training in trauma care for Montana physicians, since 1980, entitled Advanced Trauma Life Support.

The Montana Committee on Trauma met in February, 1986, and after extensive discussion formulated a statement regarding the use of seat belts. A copy of that statement is included with this communication. These physicians strongly recommend the mandatory use of seat belts with reasonably stiff civil penalty for failure to do so.

I have also enclosed a copy of two pages of the April, 1986, newsletter of the American Trauma Society. This letter quotes an excellent study done in the United Kingdom following the passage of mandatory seat belt use laws in that country in 1981. That study indicates unequivocally that seat belt use results in fewer deaths and fewer serious injuries in front seat passengers.

I have also enclosed a copy of an article, from the Journal of Trauma, November, 1986, regarding the New York state mandatory seat belt use law. This study indicates that a mandatory law does

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indeed result in the marked increase in the use of seat belts and, consequently, in the marked reduction of serious injury or death.

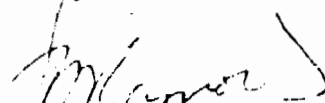
Whereas there is much debate regarding the efficacy of mandatory seat belt laws, it appears that those states that have passed laws thus far have seen a positive affect. Two studies entitled "Injury in America" by the National Research Council, one done in the late 60s and the latest in 1985, strongly indicates that the use of seat belts markedly reduces serious injury and death.

Since studies have unequivocally shown that seat belts do reduce morbidity and mortality, and hence overall cost to state agencies that care for the permanently disabled, and that there is a change in behavior related to mandatory seat belts, I strongly recommended, as exhibited in the enclosed reference material, that Senate Bill No. 111 be acted upon favorably.

Although most of my concern is for the medical aspects of seat belt use in trauma, there is a more important civil factor involved. I think that anyone who looks at the experience of Montana or any other state will find that individuals disabled by accidental means inevitably end up being supported by the tax payer. This occurs through the usual disability programs. Any method which would reduce the disability and mortality of trauma should be supported not only for medical reasons but from the standpoint of reducing long-term disability costs to the tax payer and state governments.

Although my schedule has me out of the state on the 19th of March, I am certain that you can receive information regarding this bill, that represents the Committee on Trauma, from Doctor Jack McMahan who has been long involved in legislative activities and is a member of the Montana Committee on Trauma.

Sincerely,



S. A. Reynolds, M.D.

SAR/sh

Enclosures (3)

CC: Representative Bob Bachini
Representative Robert Gilbert

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PHYSICIAN STUDIES SEAT BELTS: INCREASE USE, DECREASE INJURY

by Carl A. Soderstrom, MD

Seat belts are worn by only about 10% of American vehicular passengers (1). It is estimated that routine wearing of seat belts could prevent almost 20,000 unnecessary deaths and more than 30,000 moderate to severe injuries resulting from vehicular crashes each year (1,2).

In view of such conservative estimates, it is difficult to explain why only 17 states have passed laws mandating seat belt use and why, as of January, 1986, only 13 states have enacted them. (The other four states are not scheduled to enact their laws until mid-1987.) Since New York's implementation in early 1985, deaths from vehicular crashes in that state have declined 33%, a decrease directly attributable to the mandatory seat belt legislation (3).

A study recently conducted in the United Kingdom showed the benefits of routine seat belt use. At a special Grand Rounds presentation June 3, 1985, William H. Rutherford, MD (a Consultant Surgeon in Accident and Emergency Medicine from the Royal Victoria Hospital in Belfast, Ireland, and one of the study's principle investigators) presented prepublication data and results from the study to the staff of the Shock Trauma Center of the Maryland Institute for Emergency Medical Services Systems in Baltimore. The report has since been published by the government press in London (4).

Background

In July, 1981, The Houses of Parliament in London passed a Transport Act that required front seat vehicular occupants

throughout the United Kingdom to wear seat belts. Within 10 days after passage of the Act, a plan to study the legislation's effect on injury and death was conceived. This prospective study included the 1-year periods before and after January 31, 1983, the date on which the provisions of the Act went into effect.

The Study

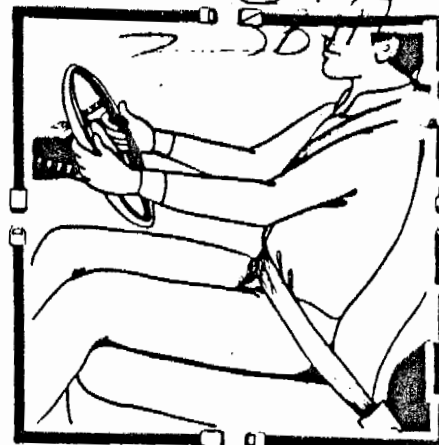
The study population comprised approximately 14,000 patients who were injured in automobile crashes and who arrived alive and were treated at one of 14 designated hospitals throughout the United Kingdom (eight in England, two in Scotland, three in Northern Ireland, and one in Wales). These hospitals were selected for their ability to provide high quality data. (Although not randomly selected, these hospitals received patients from rural, urban, and freeway vehicular crashes, a mix reasonably representing all vehicular crash experiences in those countries.)

In addition to basic patient identification data, collected information included dates and times of injury, types of injuries, occupant position in the vehicle, and whether or not the patient was wearing a seat belt.

The study had two aims: 1) to evaluate compliance to the new legislation and 2) to evaluate the seat belt itself.

Results

Prior to implementation of the mandatory seat belt law, the voluntary compliance rate was 35%, largely a result of public service advertising campaigns. Within days of the law's implementation, this rate increased to 95%, a level that



remained essentially unchanged during a poststudy monitoring period.

Table 1 gives detailed statistics of the law's effect; in general, it resulted in fewer hospitalizations and fewer/less severe injuries. One category, however, showed an increase: major head injuries for vehicle drivers. It is postulated that this increase was due to the design of the retractable seat belts (then standard equipment in United Kingdom vehicles) and that, at certain speeds, the lap belt holds the pelvis in place while the shoulder harness allows the driver to move forward, causing contact between the driver's face and the steering wheel.

Dr. Rutherford speculated that this mode of injury could be prevented by adding a small compressed air device to activate the retractable belt more quickly and/or installing an airbag device in the steering column.

Comments

Dr. Rutherford noted that, "Some people have suggested that wearing seat belts would make drivers feel safer and that they would drive more dangerously, causing as many extra injuries to others as were saved by the use of seat belts. If this did happen, one would expect an increase in death and injuries to people in the rear (continued on p. 7)

SEAT BELTS...

(continued from p. 2)
seats. In fact, a small increase might be expected due to people moving from the front passenger seat to the rear to escape litigation which applies only to front seat passengers. The complete absence of any increase in death or injury to rear seat passengers is strong evidence that this 'risk compensation theory' does not apply in the case of seat belt wearing."

Observing patterns of compliance in the incidence of injury also attests to the effectiveness of seat belts in protecting vehicular occupants. It was noted that, from 11:00 pm to 8:00 am, the use of seat belts fell and the severity of injuries increased as did the incidence of severe injury. Dr. Rutherford notes that the study was undertaken to determine, via statistical testing, if the wearing of seat belts had an effect on certain injuries. He concluded that "the report suggests there were also many other injuries that were reduced but, as they were not predicted to do so, no claims have been made respecting

them. However, there is no doubt in the United Kingdom that the legislation has been spectacularly successful."

References

1. US Dept. of Transportation-National Highway Traffic Safety Administration: The Automobile Safety Belt Fact Book. Washington, DC, Government Printing Office, 1982.
2. Mawson AR, Biundo JJ: Contrasting beliefs and actions of drivers regarding

seat belts: a study in New Orleans. J Trauma 25:433-437, 1985.

3. Scheier RL: More states passing seat belt use laws. AMA News, Aug. 9, 1985.
4. Rutherford WH, Greenfield RT, Hayes HRM, Nelson JK: The Medical Effects of Seat Belt Legislation in the United Kingdom. London, Government Press, 1985.

[Dr. Soderstrom is Assistant Professor of Surgery at the Shock Trauma Center.]

AMERICAN TRAUMA SOCIETY 1986 MEETING
MAY 14 - 16, 1986 WASHINGTON, DC

REGISTRATION FORM: RETURN TO ATS, PO BOX 13526, BALTIMORE, MD 21203

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Registration Fee (to cover cost of meals/receptions only): Member - \$125.00 Nonmember - \$150.00

Table 1: Study Results

Parameter	Change	
	Drivers	FSP
Nonhospitalizations	- 10%	- 22%
Hospitalizations	- 23%	- 43%
Hospital bed days required	- 25%	
Multiple major injuries	- 20%	- 35%
Facial wounds	- 44%	- 63%
Eye injuries		
General	- 40%	
Penetrating	- 83%	
Significant lung injuries	- 33%	- 58%
Brain injuries	- 38%	
Head injuries		
Major	increase	decrease
Minor	decrease	decrease

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American College of Surgeons
Montana Committee on Trauma
Statement Regarding Mandatory Use of Seat Belts

It is the opinion of the Montana Committee on Trauma that the use of seat belts or other passive restraint devices, in motor vehicles, has been proven to reduce both mortality and morbidity resultant from motor vehicle accidents.

The Montana Committee on Trauma strongly recommends legislation to mandate the use of seat belts and/or passive restraint devices in all motor vehicles licensed by the State of Montana.

New York State Mandatory Seatbelt Use Law: Patterns of Seatbelt Use Before and after Legislation

BENJAMIN W. PACE, M.D.,* RICHARD THAILER, RPA-C, AND THOMAS G. KWIATKOWSKI, M.D.†

A mandatory seatbelt use law, the first such law in the nation, became fully in force in New York State as of 1 January, 1985. We studied seatbelt use among drivers and front seat passengers involved in motor vehicle accidents for a 3-month period pre-legislation (Phase 1), and a 5-month period post-legislation (Phase 2), to determine if this type of compulsory law, providing civil fines of \$50 for violators, changes seatbelt use behavior. The reported use rate among drivers rose from 21% pre-legislation to 47% post-legislation ($p < 0.01$). The use rate among front seat passengers rose from 21% to 40% (not significantly different due to the small number of occupants recorded in this position). A highway survey (Phase 3) noted the use rate in New York City and surrounding counties to be 63%, a marked increase from the published pre-legislation value of 16%. We conclude that mandatory seatbelt use legislation is effective in significantly increasing seatbelt use and urge physicians to seek similar legislation in every state.

Motor vehicle accidents account for considerable disability and loss of life. They are the leading cause of death for young adults ages 15 to 24 years (5, 9) producing more paraplegics and quadriplegics than all other causes combined (4). Approximately 2.7 million injuries and 37,000 deaths occur annually among motor vehicle occupants, with a cost to the nation in the tens of billions of dollars. Yet despite the presence of lap and shoulder belts in every car sold in the United States since 1968, and a substantial body of convincing evidence as to their effectiveness, seatbelt use rates average an extremely poor 14% nationwide (9). Prompted by these facts and a similarly poor 16% statewide seatbelt use rate during 1984, New York State enacted the nation's first mandatory seatbelt use law, enforced as of 1 January, 1985. In essence, the law requires that all drivers and front seat passengers be restrained by a seatbelt, providing civil fines of \$50 for violators. But does this type of compulsory use law change behavior? To determine this we examined seatbelt use in New York State among drivers and front seat passengers involved in motor vehicle accidents before and after the enforceable date of this legislation. Our data comprise the basis of this study.

From the Queens Hospital Affiliation of Long Island Jewish-Hillside Medical Center, Jamaica, and the State University of New York at Stonybrook.

* Physician-in-Charge of Trauma, Department of Surgery, Head of Emergency Surgical Services, Emergency Department.

† Physician-in-Charge of the Emergency Department, Department of Community Medicine and Ambulatory Care.

Address for reprints: Benjamin W. Pace, M.D., Queens Hospital Center, Room A57, 82-68 164 Street, Jamaica, NY 11432.

METHODS

Phase 1. Pre-legislation (October through December 1984). New York City Emergency Medical Service paramedics and technicians working out of Queens Hospital Center were encouraged to complete a checklist survey of seatbelt use at the scene of motor vehicle accidents. To be complete, this required information on all of the occupants of all of the vehicles involved, whether or not occupants were injured or transported to a hospital emergency department for treatment. Occupants involved in motor vehicle accidents, rather than all motor vehicle occupants, were chosen for study as they represent the population at risk.

Phase 2. Post-legislation (January through May 1985). Methods similar to Phase 1 were employed.

Phase 3. (April 1985). A highway seatbelt use survey was conducted in several counties in and around New York City. Seatbelt use by occupants in late model cars with lap/shoulder belt restraints was easily identified by observing drivers and passengers on local highways. The purpose of this phase was to compare our seatbelt use rates (as noted among those involved in accidents) with the occupant population in general, as well as to compare our Queens County data with counties outside of New York City.

RESULTS

Phase 1 & Phase 2. Reported overall seatbelt use among occupants of autos involved in accidents showed a significant change, increasing from 23% to 39% ($p < 0.05$). Most important, of those affected by the new law, driver seatbelt use jumped from 21% prelegislation to 47% post-legislation ($p < 0.01$) while front seat passenger use rose from 21% to 40% (not statistically significant; however, the number of occupants recorded in this position was small). These results are listed in Table I.

Phase 3. Seatbelt use among drivers in the various

and New Mexico have followed suit by enacting mandatory seatbelt legislation. Twenty-seven other states have such legislation being reviewed, while bills have not been introduced or have failed in another 18 states (7). As noted by Trunkey in a recent editorial in this *Journal*, the only effective means available to date of reducing the carnage related to motor vehicle accidents is through prevention (10). Indeed, physicians should be in the forefront of these efforts. Seatbelts provide a universally available, simple method of prevention when used. As concluded, mandatory-use seatbelt legislation achieves this end. A 27% reduction in motor vehicle deaths has occurred with an increase in seatbelt use in New York state of nearly 50 percentage points. Extrapolating this data, a 50% reduction in motor vehicle deaths could be achieved if EVERY New York State resident wore a seatbelt. This, taking the NHTSA estimates to heart, would in addition to saving lives, save the state tens of millions of dollars annually. We believe every state should adopt lifesaving mandatory seatbelt use legislation and urge law enforcement officials to strictly enforce these laws where they already exist.

Acknowledgments

We would like to thank the paramedics and the emergency medical technicians of Queens Hospital Center, Ms. Glajch of the Automobile Club of New York, and Judy Pace for their efforts in collecting data for this study.

REFERENCES

1. Bohlin, N. L.: A statistical analysis of 28,000 accident cases with emphasis on occupant restraint value. *Eleventh STAPP Car Crash Conference Proceedings*, Society of Automotive Engineers, NY NY, 1976.
2. "Good Start for Belt Law." *Gannett Westchester Newspaper*, May 2, 1985.
3. The Highway Loss Reduction Status Report. Washington, D.C., Insurance Institute for Highway Safety, March 16, 1985; 20(3): 1-2.
4. Kraus, J. F., Franti, D. E., Riggins, R. S., et al.: Incidence of traumatic spinal cord lesions. *J. Chron. Dis.*, 28: 478-483, 1975.
5. National Center for Health Statistics. Washington, D.C., U.S. Department of Health and Human Services, 1981.
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7. Public Affairs Division. Washington, D.C., Highway Users Federation, personal communication, 1985.
8. Remfust, D. W., Silva, C., Seila, A. F.: A statistical analysis of seatbelt effectiveness in 1973-1975 model cars involved in tow away crashes. Washington, D.C., National Highway Traffic Safety Administration, U.S. Department of Transportation, 1976.
9. *The Safety Belt Proponent's Guide*. Highway Users Federation and the Automotive Safety Foundation, 1984; pp. 2-5; 11-13; 28-30.
10. Trunkey, D. D.: A plea for surgical leadership (editorial). *J. Trauma*, 25: 461, 1985.

Addendum

Phase 4, April and July, 1986, a repeat of our highway survey, was conducted in a manner similar to Phase III, by observing drivers and passengers. The purpose of this phase was to evaluate the long-term effect of the New York State law on seatbelt use. The results (Table III) indicate a marked, statistically significant ($p < 0.001$) drop in seatbelt use amongst New York State drivers sampled, from 63% in 1985 to 37% in 1986. This latest rate, though, is still a statistically significant increase from the driver seatbelt use rate of 21% recorded before the legislation was enacted ($p < 0.05$). We are encouraged by the fact that an increased number of drivers are still buckling up since the law went into effect. On the other hand, the decline in belt usage is an undesirable trend. We attribute the decline to a lack of ongoing public education and awareness programs. There also appears to be a lack of strict law enforcement in this regard. Should the current rate of decline continue, seatbelt use in New York State would return to that noted before the institution of the law by the summer of 1987, with an expected return to the highway carnage of the past.

VISITORS' REGISTER

HUMAN SERVICES AND AGING

COMMITTEE

BILL NO. SENATE BILL NO. 111DATE MARCH 19, 1987SPONSOR SENATOR HALLIGAN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>David T. Zuercher</i>	<i>Helena, Mt.</i>	✓	
<i>Sam M. Munn</i>	<i>Helena</i>	✓	
<i>Joe Upshaw</i>	<i>Helena MARR</i>	✓	
<i>Margie B. B. B.</i>	<i>Helena SRS</i>	✓	
<i>Dr. D. Dawson</i>	<i>Boulder MARRS</i>	✓	
<i>Garry Tobiasson</i>	<i>Int. Auto Assoc</i>	✓	
<i>Albert G. G.</i>	<i>High. Safety - Justice</i>	✓	
<i>ROLAND FISHER</i>	<i>Mt. Hood Assoc - H. Assoc</i>	✓	
<i>M. A. Mason</i>	<i>6342 Hwy 12 W, Helena</i>		
<i>Joe Brand</i>	<i>Self</i>		✓
<i>Melissa Martinke</i>	<i>Johnson School</i>	✓	
<i>Tim Hollow</i>	<i>Johnson School</i>		✓
<i>Ira Jameson</i>	<i>TSN</i>	✓	
<i>John Delano</i>	<i>TSN</i>	✓	
<i>Joe Wedegaard</i>	<i>Whitehall</i>	✓	
<i>E. Budd Gould</i>	<i>male Self</i>	✓	
<i>Barbara Cooker</i>	<i>Mt. Nurses Assoc</i>	✓	
<i>Charlie Walker</i>	<i>SR - Bonner, Mt</i>		X
<i>Lee T. T.</i>	<i>Helena</i>	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMITTEE

SPONSOR SENATOR HALLIGAN

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HUMAN SERVICES AND AGING COMMITTEE

DATE MARCH 19, 1987

SPONSOR SENATOR HALLIGAN

[illegible]

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HUMAN SERVICES AND AGING

BILL NO. SB111

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The meeting of the Human Services and Aging Committee was called to order by Chairman Budd Gould at 8:30 a.m. on March 21, 1987.

ROLL CALL: Rep Stratford was excused, all other members were present.

EXECUTIVE SESSION - SENATE BILL 111

REP KITSELMAN made a motion to amend SB 111 on page 3, line 8, striking "\$20" and inserting "\$5.00".

A voice vote was taken and the motion FAILED.

REP KITSELMAN made a motion to accept amendment three (3) of exhibit 2, which states: on page 3, line 8, following: "\$20" strike "." and insert ", and no jail sentence may be imposed. Bond for this offense shall not exceed \$20. (2)"

A voice vote was taken and the motion FAILED.

REP KITSELMAN made a motion to accept amendment four (4) of exhibit 2 which states: page 3, following line 11, insert: "(3) No violation of (section 3) shall be recorded or charged against the driver's record of a person convicted of violating (section 3) and no insurance company shall hold a violation of (section 3) against the insured and there shall be no increase in premiums. (4) A violation of (section 3) is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711, and the provisions of 46-18-236 do not apply."

A roll call vote was taken and the motion FAILED, seven (7) to ten (10).

REP SANDS then made a motion recommending that Senate Bill 111 BE CONCURRED IN.

A roll call vote was taken and the motion PASSED, thirteen (13) to five (5).

The committee then discussed Senate Bill 170 and amendments presented by Chairman Gould (exhibit 1). Rep Sands noted that the subcommittee had not had an opportunity to meet a second time, and that Rep Kitselman also had an amendment

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for the committee's consideration. He asked for deferred action on the bill.

REP SIMON said he noticed that one amendment was missing to the legislation on page 4 line 7: before "drug", insert "topical" and following the word "drug" insert "and oral antibiotics". He noted he would like to see this amendment in the legislation.

Chairman Gould noted that the consensus of the committee was to allow more time for the subcommittee to review the bill and the amendments. He stated the committee would take executive action on SB 111 on Tuesday night following adjournment.

The meeting was adjourned at 9:30 a.m.

A handwritten signature in dark ink, appearing to read 'Budd Gould', is written over a horizontal line.

Budd Gould, Chairman

bq/gmc/hs3.21

DAILY ROLL CALL

HUMAN SERVICES AND AGING

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

MARCH 21, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	✓		
REP. BOB GILBERT, VICE CHAIRMAN	✓		
REP. JAN BROWN	✓		
REP DUANE COMPTON	✓		
REP. DOROTHY CODY	✓		
REP. DICK CORNE'	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. LES KITSELMAN	✓		
REP. LLOYD MC CORMICK	✓		
REP. RICHARD NELSON	✓		
REP. JOHN PATTERSON	✓		
REP. ANGELA RUSSELL	✓		
REP. JACK SANDS	✓		
REP. BRUCE SIMON	✓		
REP. CAROLYN SQUIRES	✓		
REP. TONIA STRATFORD			✓
REP. BILL STRIZICH	✓	✓	

STANDING COMMITTEE REPORT

MARCH 21,

19 87

HUMAN SERVICES AND AGING

Mr. Speaker: We, the committee on

report **SENATE BILL NO. 111**

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

REP. R. BUDD COULD,

Chairman

REQUIRE USE OF SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE

BEST COPY
AVAILABLE

REP. **HARP** WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy (**BLUE**)
color

101

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE March 21, 1987 BILL NO. SB 111

NUMBER 1

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN		X
REP. BOB GILBERT, VICE CHAIRMAN		X
REP. JAN BROWN		X
REP. DUANE COMPTON		X
REP. DOROTHY CODY		X
REP. DICK CORNE'		X
REP. LARRY GRINDE	X	
REP. STELLA JEAN HANSEN	X	
REP. LES KITSELMAN	X	
REP. LLOYD MC CORMICK	X	
REP. RICHARD NELSON	X	
REP. JOHN PATTERSON	X	
REP. ANGELA RUSSELL	X	
REP. JACK SANDS		X
REP. BRUCE SIMON		X
REP. CAROLYN SQUIRES		X
REP. TONIA STRATFORD		
REP. BILL STRIZICH		X

TALLY

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Secretary

Chairman

MOTION: Rep Kitselman made a motion to amend SB 111 page 3, following line 11. Insert: "(3) No violation of (section 3) shall be recorded or charged against the driver's record of a person convicted of violating (section 3) and no insurance company shall hold a violation of (section 3) against the insured and there shall be no increase in premiums. (4) A violation of (section 3) is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711, and the provisions of 46-18-236 do not apply."

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE March 21, 1987 BILL NO. SB 111

NUMBER 2

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN	X	
REP. BOB GILBERT, VICE CHAIRMAN	X	
REP. JAN BROWN	X	
REP. DUANE COMPTON	X	
REP. DOROTHY CODY	X	
REP. DICK CORNE'	X	
REP. LARRY GRINDE		X
REP. STELLA JEAN HANSEN		X
REP. LES KITSELMAN		X
REP. LLOYD MC CORMICK		X
REP. RICHARD NELSON	X	
REP. JOHN PATTERSON		X
REP. ANGELA RUSSELL	X	
REP. JACK SANDS	X	
REP. BRUCE SIMON	X	
REP. CAROLYN SQUIRES	X	
REP. TONIA STRATFORD	X	
REP. BILL STRIZICH	X	

TALLY

13

5

Secretary

Chairman

MOTION: Rep Sands made a motion that Senate Bill 111 BE CONCURRED
IN.

AMENDMENT TO SENATE BILL 111

DATE 3-21-87
NO 35170

(Amend Senate Third Reading Blue Bill)

1. Page 2, line 5.

Following: "conforms to"

Strike: "federal motor vehicle safety standards."

Insert: "the provisions of 61-9-409 and 61-9-410."

EXPLANATION: THIS AMENDMENT TIES THE BILL TO EXISTING STATE LAW REGULATING SEAT BELTS RATHER THAN SOME VAGUE FEDERAL STANDARD WHICH COULD CHANGE. UNDER THE VAGUENESS DOCTRINE, ANY LAW WHICH DOES NOT FAIRLY INFORM A PERSON OF WHAT IS COMMANDED OR PROHIBITED IS UNCONSTITUTIONAL AS VIOLATION OF DUE PROCESS.

2. Page 3, line 7.

Following: "Penalty."

Insert: "(1)"

3. Page 3, line 8.

Following: "\$20"

Strike: "."

Insert: ", and no jail sentence may be imposed. Bond for this offense shall not exceed \$20. (2)"

4. Page 3.

Following: line 11.

Insert: "(3) No violation of [section 3] shall be recorded or charged against the driver's record of a person convicted of violating [section 3] and no insurance company shall hold a violation of [section 3] against the insured and there shall be no increase in premiums.

(4) A violation of [section 3] is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711, and the provisions of 46-18-236 do not apply."

EXPLANATION: AMENDMENTS 2 THROUGH 4 FOLLOWS LANGUAGE USED IN MONTANA'S FUEL CONSERVATION 55 MPH SPEED LIMIT. AMENDMENT # 3 CLARIFIES THAT NO JAIL TIME MAY BE GIVEN AND THAT THE BOND ISN'T GREATER THAN THE FINE.

AMENDMENT # 4 MAKES SURE THAT THE OFFENSE DOESN'T BECOME PART OF ONE DRIVER'S RECORD AND THUS CAUSE AND INCREASE IN INSURANCE RATES. IN ADDITION, IT CLARIFIES THE FACT THAT THE OFFENSE IS NOT A MISDEMEANOR AND THAT AN ADDED CHARGE OF \$10 IS NOT IMPOSED TO HELP FUND THE SALARIES OF CITY AND COUNTY ATTORNEY'S. IF THIS AMENDMENT IS NOT INCLUDED IN THE BILL, THE EFFECT WOULD BE A \$30 FINE, NOT \$20.

104

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially in comparison with ordinary sheet glass or plate glass the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

History: En. Sec. 147, Ch. 263, L. 1955; R.C.M. 1947, 32-21-150.

Cross-References

"Truck" defined, 61-1-107.

"Truck tractor" defined, 61-1-108.

"Bus" defined, 61-1-115.

"School bus" defined, 61-1-116.

Sales and distribution of motor vehicles, Title 61, ch. 4.

61-9-409. Seatbelts required in new vehicles. It is unlawful for any person to buy, sell, lease, trade, or transfer from or to Montana residents at retail an automobile which is manufactured or assembled commencing with the 1966 models unless such vehicle is equipped with safety belts installed for use in the left front and right front seats thereof, and no such vehicle shall be operated in this state unless such belts remain installed.

History: En. Sec. 1, Ch. 115, L. 1965; R.C.M. 1947, 32-21-150.1.

Cross-References

Sales and distribution of motor vehicles, Title 61, ch. 4.

Penalty for seatbelt violations, 61-9-516.

61-9-410. Specifications for seatbelts. All such safety belts must be of a type and must be installed in a manner approved by the department. The department shall establish specifications and requirements for approved types of safety belts and attachments thereto. The department will accept, as approved, all seatbelt installations and the belt and anchor meeting the society of automotive engineers' specifications.

History: En. Sec. 2, Ch. 115, L. 1965; R.C.M. 1947, 32-21-150.2; amd. Sec. 1, Ch. 503, L. 1985.

Compiler's Comments

1985 Amendment: Substituted reference to department of justice for reference to division of motor vehicles in three places.

Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.

Penalty for seatbelt violations, 61-9-516.

61-9-411. Certain vehicles to carry flares or other warning devices. (1) No person shall operate any motor truck of 1-ton capacity or greater, passenger bus, or truck tractor upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle, except as provided in subsection (2), the following equipment:

(a) at least three flares or three red electric lanterns or three portable red emergency reflectors each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to display a minimum of 24 square inches of reflective surface, or two reflecting elements; one above the other, either of which shall be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps;

(b) at least three red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried;

1 STATEMENT OF INTENT

2 SENATE BILL 111

3
4 A statement of intent is required for this bill because
5 section 3(3) grants to the department of justice general
6 rulemaking authority to analyze and exempt from wearing
7 seatbelts those occupants who make frequent stops with a
8 motor vehicle in their official job duties.

SENATE BILL NO. 111

INTRODUCED BY HALLIGAN, HARP, WALLIN, M. WILLIAMS,
JACOBSON, ECK, GOULD, GILBERT, BULGER, SANDS,
REGAN, SCHYE, HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF
SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE; PROVIDING A
PENALTY EFFECTIVE JANUARY 1, 1988; PROVIDING FOR CONTINUING
EDUCATION CONCERNING THE BENEFITS OF WEARING SEATBELTS; AND
PROVIDING ~~FOR THE ADMISSIBILITY~~ OF THAT EVIDENCE IS NOT
ADMISSIBLE IN CIVIL LITIGATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 6] may be
cited as the "Montana Seatbelt Use Act".

Section 2. Definitions. As used in [sections 1
through 6], the following definitions apply:

(1) "Department" means the department of justice.

(2) "Highway" means the entire width between the
boundary lines of each publicly maintained way when any part
thereof is open to public use for vehicular travel.

(3) "Motor vehicle" means a vehicle propelled by its
own power and designed primarily to transport persons or
property upon the highways of the state.

(4) "Occupants" means the driver and passengers in a

motor vehicle.

(5) "Seatbelt" means a system using a lap belt, a
shoulder belt, or other belt or combination of belts
installed in a motor vehicle to restrain occupants, which
system conforms to federal motor vehicle safety standards.

Section 3. Seatbelt use required -- exceptions.
(1) No driver may operate a motor vehicle upon a highway of
the state of Montana unless each occupant of a designated
seating position is wearing a properly adjusted and fastened
seatbelt.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a
written statement from a licensed physician that he is
unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all
seatbelts are being used by other occupants;

(c) an operator of a motorcycle as defined in 61-1-105
or a motor-driven cycle as defined in 61-1-106;

(d) an occupant of a vehicle licensed as special
mobile equipment as defined in 61-1-104;

(e) children subject to the provisions of 61-9-420; or

(f) an occupant who makes frequent stops with a motor
vehicle in his official job duties and who may be exempted
by the department.

(3) The department may adopt rules to implement

1 (2)(f).

2 (4) THE DEPARTMENT OR ITS AGENT MAY NOT REQUIRE A
3 DRIVER WHO MAY BE IN VIOLATION OF [SECTION 3] TO STOP EXCEPT
4 UPON REASONABLE CAUSE TO BELIEVE THAT HE HAS VIOLATED
5 ANOTHER TRAFFIC REGULATION OR THAT HIS VEHICLE IS UNSAFE OR
6 NOT EQUIPPED AS REQUIRED BY LAW.

7 Section 4. Penalty -- NO RECORD PERMITTED. (1) A
8 driver who violates [section 3] ~~is guilty of a misdemeanor~~
9 ~~punishable by a fine of~~ WILL BE FINED \$25 \$20, BUT THE
10 VIOLATION IS NOT A MISDEMEANOR PURSUANT TO 45-2-101,
11 46-18-236, 61-8-104, OR 61-8-711. A conviction--for--a
12 violation of [section 3] may not be counted as a moving
13 violation for purposes of suspending a driver's license
14 under 61-11-203(2)(1). BOND FOR THIS OFFENSE IS \$20, AND NO
15 JAIL SENTENCE MAY BE IMPOSED.

16 (2) NO VIOLATION OF [SECTION 3] MAY BE RECORDED OR
17 CHARGED AGAINST THE DRIVER'S RECORD OF A PERSON VIOLATING
18 [SECTION 3], AND NO INSURANCE COMPANY SHALL HOLD A VIOLATION
19 OF [SECTION 3] AGAINST THE INSURED, AND THERE MAY BE NO
20 INCREASE IN PREMIUMS DUE TO A VIOLATION OF [SECTION 3].

21 Section 5. Education program. The highway traffic
22 safety division of the department shall continue its program
23 for public information and education concerning the benefits
24 of wearing seatbelts and include within such program the
25 requirements of [section 3] and the penalty specified in

1 [section 4].

2 Section 6. Evidence NOT admissible without-presumption
3 of-negligence. Evidence of compliance or failure to comply
4 with [sections--i-through-6 SECTION 3] is NOT admissible in
5 any civil action for personal injury or property damage
6 resulting from the use or operation of a motor vehicle, but
7 AND failure to comply with [sections-i-through-6 SECTION 3]
8 does not alone constitute negligence.

9 Section 7. Codification instruction. Sections 1
10 through 6 are intended to be codified as an integral chapter
11 of Title 61.

12 Section 8. Severability. If a part of this act is
13 invalid, all valid parts that are severable from the invalid
14 part remain in effect. If a part of this act is invalid in
15 one or more of its applications, the part remains in effect
16 in all valid applications that are severable from the
17 invalid applications.

18 SECTION 9. EFFECTIVE DATE. SECTION 4 IS EFFECTIVE
19 JANUARY 1, 1988.

-End-